S. HRG. 98-373

CRIME AGAINST THE ELDERLY

HEARING

BEFORE THE

SPECIAL COMMITTEE ON AGING
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

LOS ANGELES, CALIF.

JULY 6, 1983

Printed for the use of the Special Committee on Aging

U.S. GOVERNMENT PRINTING OFFICE

25-941 O WASHINGTON: 1983

S141-17

SPECIAL COMMITTEE ON AGING

JOHN HEINZ, Pennsylvania, *Chairman*

PETE V. DOMENICI, New Mexico	JOHN GLENN, Ohio
CHARLES H. PERCY, Illinois	LAWTON CHILES, Florida
NANCY LANDON KASSEBAUM, Kansas	JOHN MELCHER, Montana
WILLIAM S. COHEN, Maine	DAVID PRYOR, Arkansas
LARRY PRESSLER, South Dakota	BILL BRADLEY, New Jersey
CHARLES E. GRASSLEY, Iowa	QUENTIN N. BURDICK, North Dakota
PETE WILSON, California	CHRISTOPHER J. DODD, Connecticut

JOHN C. ROTHER, *Staff Director and Chief Counsel*
DIANE LIFSEY, *Minority Staff Director*
ROBIN L. KROPF, *Chief Clerk*

CONTENTS

Page

Opening statement by Senator Pete Wilson, presiding 1

CHRONOLOGICAL LIST OF WITNESSES

Howenstein, G. Albert, Jr., Sacramento, Calif., executive director, office of criminal justice planning, State of California 5
Baker, Mia, Los Angeles, Calif., administrative coordinator, Los Angeles City attorney's victim-witness assistance program 9
Dana, Deane, supervisor, Los Angeles County, Calif 17
Girton, Darrell, Los Angeles, Calif., read by Grover Alsup 18
Linares, Rosa, Los Angeles, Calif., read by Maria Elena Sarmiento 19
Irey, Frank, Los Angeles, Calif 20
Rigali, Greg, sheriff, Los Angeles County, Calif., sheriff's headquarters crime prevention unit; accompanied by Lt. Robert Fleming, head of forgery unit 22
Moore, Melvin D., Los Angeles, Calif., assistant inspector in charge, Los Angeles, Calif., Division, U.S. Postal Inspection Service 25
Handleman, Ira, co-coordinator, Beverly-Fairfax community patrol, Los Angeles, Calif 31
Warsaw, Terry, Beverly-Fairfax community patrol, Los Angeles, Calif 32
Singer, Marlene, director, Home Secure program on crime and the elderly citizen, Jewish Family Services of Los Angeles, Calif 33
White, Ruth, Rampart neighborhood watch program, Los Angeles, Calif 34
Piersol, Capt. F. E., commanding officer, Rampart area, Los Angeles, Calif., Police Department 36
Hansen, Leonard J., El Cajon, Calif., chairman, editor, and publisher, Senior World Publications, Inc 38

APPENDIX

Material related to hearing:
Item 1. Statement of Robert H. Philibosian, district attorney, city and county of Los Angeles, Calif 43
Item 2. Additional statement of Leonard J. Hansen, chairman, editor, and publisher, Senior World Publications, El Cajon, Calif 45
Item 3. Statement of Gary R. Snyder, coordinator, Crime Resistance Involvement Council, Pasadena, Calif 56
Item 4. Statement of Beverly Sanborn, program manager, Westside Independent Services to the Elderly, Santa Monica, Calif 59
Item 5. Letter from Deanna Lea, executive director, Area 4 Agency on Aging, Sacramento, Calif., to Senator Pete Wilson, dated July 12, 1983 60
Item 6. Letter from Catherine M. Watson, executive director, Adult Protective Services, Inc., San Diego, Calif., to Senator Pete Wilson, dated July 5, 1983 60

CRIME AGAINST THE ELDERLY

WEDNESDAY, JULY 6, 1983

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Los Angeles, Calif.

The Special Committee on Aging met, pursuant to notice, at 9 a.m., in the Federal Building, conference room, Hon. Pete Wilson, presiding.

Present: Senator Pete Wilson.

Also present: Maria T. Schutz, legislative assistant to Senator Wilson; and Michael Rodgers, professional staff member, Senate Special Committee on Aging.

OPENING STATEMENT BY SENATOR PETE WILSON, PRESIDING

Senator WILSON. Good morning, ladies and gentlemen.

I am Senator Pete Wilson, and I am here today as a member of the Special Committee on Aging of the U.S. Senate.

This field hearing is convened as a special hearing on the problems of crime against the elderly.

I thank those of you that have attended as witnesses. I thank those of you who are here, because of your interest in the subject, as members of the audience.

We have four distinguished panels today, and they will fill the 2-hour period we have. I would invite any of those who have made written statements for the record, to submit those, and to summarize them, in the event that we find that we are pressed for time.

The committee will ask the privilege of submitting further questions and soliciting their answers, which then will become part of the record.

In that regard, before we begin, I want to thank the individuals who, while not here and able to testify today, have taken the time and trouble to submit a formal statement to the committee,[1] and those include District Attorney Robert H. Philibosian.

Before I begin, I would like to introduce the members of my staff and the committee staff.

Maria Schutz is my legislative assistant for problems relating to the human care services; and Mike Rodgers is a professional staff member from the Special Committee on Aging.

We are here today in the capacity of a special field hearing on the problems of crime in the aging. As some of you know, this is a special

[1] See appendix, item 1.

committee of the United States, and this committee has, among its tasks, the duty of factfinding, so that there may evolve from hearings of this kind, and others, recommendations, legislation, or administrative actions to address the problems of the elderly.

One of the cruelest problems afflicting the elderly in this community, and others across the land, is that of fear, induced by crime; both crime-threatened and actually practiced.

The special focus today will include the taking hold of the victims of crime; the prevention of crime through fraud; and the prevention of crime through measures that can be taken by individuals to assist themselves, and assist local law enforcement.

We will hear from experts in criminal justice; experts in crime prevention; Government officials; and victims of crime, whose plight has been too often neglected by efforts directed instead at the criminals.

We feel that there must be an effort, both to bring about restitution and physical well-being of the victims, plus to address the psychological well-being through counseling, as well as through traditional law enforcement measures, and crime prevention and punishment of crime.

From those of you who have suffered crime, we will learn the hard realities behind the grim statistics that we read about in the papers, of robbery, perpetrated in increasing numbers on the elderly of this community, and virtually every community across the country.

As we grow older, our physical capacity may diminish, but life is a gift to be lived and enjoyed as long as we have it. Physical aging is no reason for any human being to be able to fail to enjoy his or her capacity to all life has to offer, or to fail to participate fully in a rich and diverse society.

But that is not possible with one-third of the elderly population here in Los Angeles reporting that crime is a problem, so real to them that they cannot enjoy life.

A study performed last year by Claremont Graduate School found that while 5 percent of the persons of advanced age were actual victims of reported crime, the proportion of older persons who reported that they, or a friend, or a neighbor had been a victim of crime, was 37 percent.

That suggested that more than one-third of the elderly, who should be living in peace, enjoying their later years, were instead living in fear. This, we heard from a number of victims. They live in fear of being mugged, being robbed, having their purses snatched. They live in fear of crime of all sorts.

This sad story is repeated across the country. Let me say here, and not at all parenthetically, this community has some of the finest law enforcement of anywhere in the world.

The sheriff's office, which is represented this morning, and the Los Angeles Police Department, are topnotch law enforcement agencies.

Through no fault of their own, and through a series of causes, which is to fight and conquer crime, it has become an increasing problem in the United States. It is a fact of life.

We're here this morning to deal with some of those aspects of that cruel and, in many ways, vicious fact of life.

We are going to concentrate on the fact that during 1973 to 1980, elderly Americans were the victims of over 168,000 violent crimes, including rapes, robberies, or assaults, every year.

They were the victims of a far greater number of crimes against their personal and household property—roughly, 1.4 million larcenies and virtually 748 burglaries.

The U.S. Justice Department concludes that of the 26 million elderly in this country, about 182,000 will be victims of a violent crime this year. About 642,000 will suffer a theft. Another 1.5 million households will be the victims of larceny, unless we are successful in a cooperative venture between those who are law enforcement professionals at the local level, and those interested community volunteers, fast becoming experts; and we can achieve, through cooperation and crime prevention, that can reduce those numbers and reduce the suffering they will otherwise represent.

We recognize that today's 26 million elderly in the United States—about 11 percent of the population—will grow to be some 17 percent of the population by the year 2000; and we must also recognize that we are clearly facing a problem of seriously growing dimensions.

The elderly, of course, are easy prey for those who take this ugly path of crime. They have special vulnerabilities. About 60 percent live in urban areas of the Nation, often the inner cities, where there are more likely to be criminal elements active. Often, the elderly live in social isolation. Too often, they are unable to offer a defense.

What are listed as "minor" crimes on the report sheets of a $10 or $15 theft too often represent a vicious and violent purse snatch that often causes a broken hip. And that $10 or $15, though minor on the report sheet, may represent what is painfully part of her meager living expenses for a widow on a fixed income. The statistics do not adequately reflect the aftereffects suffered by these people who may not be able to rebound as quickly as can the young; who may not have the resources to get through the trauma that is inevitable in the postcrime situation.

The Claremont Study I mentioned found that the elderly share my assessment that we have no choice but to deal sternly with those who would perpetrate vicious crimes.

I, and many others, have long urged we apply the same standard to the youthful offenders as to the adults, particularly the repeat youth offenders. If he or she is large enough and vicious enough to commit a robbery, rape, or to commit violent crimes against senior citizens, then I think the youthful offender must be treated sternly, and instead, senior citizens protected from them; from physical offenses, that place them away from those on whom they would again perpetrate violent crimes.

The Claremont Study also said that the elderly themselves were seeking far stricter law enforcement; tougher and longer sentences, and more preventive programs.

One effective preventive measure with which I have had some familiarity is the neighborhood watch, in my own home, the city of San Diego, where I had the privilege of serving as mayor for 11 years. We established a number of neighborhood watches. Let me tell you, they

work. The result of that effort was that in areas in the neighborhoods where crime watches were in effect, we experienced a significant, almost 58-percent decline in residential burglaries.

This is significant, not just in terms of the property loss that was prevented. It was significant in terms of violent crime that was also present, as a result of the burglar being on the premises.

Our focus is not so much on how to curb crime, although we do have a panel that will concentrate on that, but what happens after the crime occurs. What is the impact of the fear of crime on the neighborhood: What happens to the victims? We will hear from victims of crime, who can tell us—and they will be representative of hundreds and thousands more. Who is going to take care of the individual who is too often alone after being the victim of crime? What about insurance? What is its role in making whole the victim of crime?

While we are focusing on doing more to stop crime, we must also, I think, make up for what has long been society's neglect of the impact of the victim's experience after the crime has occurred.

President Reagan's Task Force on Victims of Crime, in its report to Congress earlier this year, concluded the treatment of victims by our criminal justice system has been careless and shameful.

In many cases, the criminal received more consideration and fairer treatment than the innocent individual he or she has victimized.

In the words of the task force:

> Innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds—personal, emotional, and financial—have gone unattended.

Last year, the chairman of the committee, Senator John Heinz of Pennsylvania, took an important first step to fill this void. Senator Heinz introduced the Victim and Witness Protection Act of 1982, the first law which recognized a Federal responsibility to address the rights and needs of crime victims. Restitution was required for the first time, and in some instances, revocation of bail. Victim impact statements were required.

Today's hearing has been convened to ask if more help is required. The financial impact of crime can be devastating on the older victims. They rarely have insurance or coverage through work. They often have to carry the full burden of the cost of the crime. This can be demonstrated by someone trying to get by on social security checks or some other form of fixed income.

Some argument is made that full restitution ought to be required, simply to make the criminal pay for the consequences. But, sadly, relatively few criminals are caught and convicted. When they are, fewer still have the means to pay the kinds of restitution required to make the victim whole.

To address this problem, 36 States plus the District of Columbia, have established victims' compensation programs. The California program, in its first year, 1967, had some success with 21 allowable claims and a total of $16,513.65 in awards to the victims of violent crimes. That is perhaps a small beginning, but an effective one; for example, last year 6,599 claims were allowed for a total of $17,008,231, and we are going to hear more of that today.

I have asked witnesses to zero in on some of the legislative proposals pending in Congress on the subject. There are several.

Senator Thurmond's Judiciary Committee, at the request of the President, is considering the Comprehensive Crime Control Act of 1983, which offers a "modest program of financial assistance to the State and local law enforcement to help finance anticrime measures of proven effectiveness."

The President's task force recommended that some form of victim compensation be established. Now, legislation has been introduced to implement that recommendation. Senator Thurmond's bill would have the Federal Government augment those efforts existing on the State level, such as this one in California. The question remains where the funds will come from.

All those efforts and activities provide a ray of optimism for a system which needs more emphasis on justice for the victim.

Today's hearing will, hopefully, build upon the outstanding foundation laid by the President's task force and legislation offered to remedy the situation. Today, we are to assess where we are, in terms of victim assistance, and in which direction we should be moving.

We have an outstanding array of witnesses, and I look forward to hearing from them, and I am grateful to them for appearing.

Our first panelist will address the experience of California and of Los Angeles, in terms of providing victim assistance.

Our first panel consists of G. Albert Howenstein, the executive director, Office of Criminal Justice Planning, State of California; and Mia Baker, the director of the victim-witness assistance, Los Angeles City Attorney's Office.

We will be hearing from these victims of crime: Frank Erey, Rosa Linares, and Darrell Girton.

Before we hear from the victims; we will call upon Mr. Howenstein and Ms. Baker to tell us of the programs which they are administering.

I would say that, in the case of Mr. Howenstein, we have someone who is, I think, especially equipped to shed some light. He comes to his present responsibilities as the executive director, Office of Criminal Justice Planning for the State of California, after a lifetime as a career law enforcement officer, and he was the sheriff of Marin County, and is a very distinguished law enforcement official.

With that, I would invite his comments, and then we will move on to Ms. Baker.

STATEMENT OF G. ALBERT HOWENSTEIN, JR., SACRAMENTO, CALIF., EXECUTIVE DIRECTOR, OFFICE OF CRIMINAL JUSTICE PLANNING, STATE OF CALIFORNIA

Mr. HOWENSTEIN. Thank you very much for the opportunity to provide this testimony on behalf of Gov. George Deukmejian, and may I compliment you and the other members of the Senate Special Committee on Aging for examining the very important issue of crime and the elderly.

The Governor has committed himself in a leadership position as the single, most important crime fighter in the State. This promise will provide leadership to all of California in our fight against crime.

It is imperative that crime victims be recognized as an integral component of the criminal justice system. Crime prevention programs and victim assistance programs must be expanded throughout our State

25-941 O - 83 - 2

and Nation to effectively combat crime, and needs of the crime victims, and restore their trust and confidence.

In April 1977, while serving as a State senator, the Governor coauthored California's first Victims' Rights Week in cooperation with the California District Attorneys' Association. This observance and recognition of victims' rights has become a national event. The Governor's support of this annual observance will continue to be a priority of this administration and will expand in 1984 to include the sponsorship of a statehouse conference on crime victims.

The impact of crime upon the elderly is greater than on other crime victims, more certainly physically, psychologically, and financially. The recovery period for elderly victims is often much longer than that of other victims. This criminal victimization of the elderly must not be allowed to continue.

As you mentioned, during my 24 years as a law enforcement professional, from my experience as a patrolman to that of a sheriff of the county, I have witnessed numerous instances where senior citizens become prey for the professional opportunistic criminal. I have two very close friends, one who was a retired minister, and at 84, was hit upon by muggers, and as a result, his life expectancy was shortened to 6 months; and a square dancing friend, after being mugged, could no longer square dance, and enjoy the outdoors as he did before.

So, from a personal and professional nature, I realize the importance of what you're doing.

At present, the Governor's Office of Criminal Justice Planning administers funds to 21 crime prevention programs; 22 career criminal apprehension programs; 14 career criminal prosecution programs; 58 sexual assault centers; and 35 comprehensive victim-witness assistance centers.

Most noteworthy of our victim-witness program is the funding source. California was again the first State in the Nation to utilize fines and penalty assessments imposed upon and collected from convicted offenders to fund our victim compensation program and victim assistance program.

In light of this, we are encouraged by the recent introduction of Federal legislation, namely S. 704, by Senator Heinz and Senator Grassley, which proposes the use of fines and penalty assessments collected from individuals convicted of Federal offenses, to support and further victim assistance through the United States.

Victim-witness assistance programs operate within 35 of California's 58 counties. These programs have the responsibility of providing comprehensive services to all types of victims and witnesses of the crime.

The legislation authorizing the establishment and funding for the programs specifically requires that each provide services meeting the special needs of the elderly. Among those services provided are crisis intervention, emergency assistance, resource and referral, counseling, followup services, assistance in filing victim or violent crime compensation claims, providing orientation to the criminal justice system, courthouse assistance, training to criminal justice agencies, witness call services, case disposition notification, restitution assistance, property return, and transportation to court and medical appointments.

I believe last year, when California passed proposition 8, we reaffirmed the importance of victims' rights in California, and will be taking more and stronger action in the future. I will offer to you, and to the Senate committee all of the assistance of the Governor's office, and the office of criminal justice planning, and I would like to present, for the record, additional material [1] to support documents for inclusion in your studies.

Thank you very much.

Senator WILSON. Thank you, Mr. Howenstein.

[The prepared statement of Mr. Howenstein follows:]

PREPARED STATEMENT OF G. ALBERT HOWENSTEIN, JR.

Good morning. First, I would like to thank you, Senator, for the opportunity to make these remarks at this hearing this morning. I would also like to compliment you and the other members of the Senate Special Committee on Aging for examining the very important issue of crime and the elderly.

The Governor has committed himself in a leadership position as the single, most important crime fighter in the State.

Governor Deukmejian has pledged that "restoring public safety to California" would be without exception the top priority of his administration. This promise would provide leadership to all Californians in the fight against crime. Crime is still a tragic reality for thousands of elderly Californians. And the fear of crime affects the lives of millions more. Crime is said to be an American epidemic. Taking the lives of 25,000 citizens, touching one-third or 25 million households nationally. (Information from U.S. Bureau of Justice statistics via the National Crime Survey, which includes estimates of crime not reported to the police, September 1982.)

Historically, the approach in crime fighting has been increased through efforts by law enforcement to control and suppress crime after the fact—reactive. But, in recent years, we have recognized that preventing crime is everyone's responsibility. Citizens must begin to reassume the role in maintaining the peace in their community. The fight against crime requires a united and coordinated effort involving public and private agencies and an active citizenry—a proactive approach. The role of government is to assist those citizens who become victims of crime by providing direct services and referrals to existing community support agencies. It is imperative that crime victims be recognized as an integral part of the criminal justice system.

Crime prevention and victim assistance programs must be expanded throughout our State and Nation to effectively combat crime and meet the needs of crime victims, and to restore their trust and confidence in the justice system.

In April 1977, while serving as a State senator, the Governor coauthored California's first Victims' Rights Week in cooperation with the California District Attorneys Association. This observance and recognition of victims' rights has become a national event. The Governor's support of this annual observance will continue to be a priority of this administration and will expand in 1984 to include the sponsorship of a statehouse conference on crime victims.

In California, the Governor's Office of Criminal Justice Planning is the primary agency responsible for carrying out the Governor's plan to restore public safety. Significant components of this plan include:

—A statewide interagency crime prevention program, and

—Local assistance to criminal justice agencies.

More important, it is with the elderly in mind that many of these programs are being implemented as part of the Governor's plan to recognize the rights and the plight of crime victims.

Although the rate of victimization among the elderly is comparatively lower than the general populace, it is not the frequency of victimization that makes such crimes a serious concern.

The impact upon the elderly is greater, affecting them (1) physically, (2) psychologically, and (3) financially. The recovery period for elderly victims is often

[1] Retained in committee files.

much longer than those of other victims. This criminal victimization of the elderly must not be allowed to continue.

During my 24 years as a law enforcement professional from my experience as a patrolman to that of a sheriff of a county, I have witnessed numerous instances where senior citizens became prey for the professional opportunistic criminal.

All too often this reconfirmed my belief that the impact of crime upon the elderly needed greater attention from all segments of the criminal justice system.

Personal story. (1) Retired minister—mugging victim—died. (2) Elderly friend—hiker, golfer—now crippled for life.

Having witnessed this, I can say that I am indeed fortunate to be the director of a statewide agency which administers many programs that are responsive to crime victims' needs. At present, the Governor's Office of Criminal Justice Planning administers funding to:

—21 crime prevention programs.
—22 career criminal apprehension programs.
—14 career criminal prosecution programs.
—58 sexual assault centers; and
—35 comprehensive victim-witness assistance centers.

Most noteworthy of our victim-witness program is the funding source. California was again the first State in the Nation to utilize fines and penalty assessments imposed upon and collected from convicted offenders to fund our victim compensation program and victim assistance program. In light of this, we are encouraged by the recent introduction of Federal legislation, namely S. 704 by Senator Heinz and Senator Grassley, which proposes the use of fines and penalty assessments collected from individuals convicted of Federal offenses to support and further victim assistance throughout the United States.

Victim-witness assistance programs operated within 35 of California's 58 counties. These programs have the responsibility of providing comprehensive services to all types of victims and witnesses of crime. The legislation authorizing the establishment and funding for the programs specifically requires that each provide services meeting the special needs of the elderly. Among those services included are:

—Crisis intervention.
—Emergency assistance.
—Resource and referral counseling.
—Followup services.
—Assistance in filing victim or violent crime compensation claims.
—Providing orientation to the criminal justice system.
—Courthouse assistance.
—Training to criminal justice agencies.
—Witness call services.
—Case disposition notification.
—Restitution assistance.
—Property return; and
—Transportation to court and medical appointments.

The California Crime Resistance Task Force was established in 1977 to generate and encourage awareness throughout California of the need for cities' involvement in supporting local law enforcement efforts to prevent and reduce crime. The activities of the task force include the involvement of senior citizens' support groups which act to insure the further dissemination of crime prevention information to the elderly.

Of the community crime prevention programs funded by our office, the authorizing legislation requires that crime prevention programs directed toward serving the elderly must receive not less than 50 percent of the available funding. Also important to emphasize is the fact that all of these programs involve the active participation of elderly volunteers (Assembly bill 2976; Levine).

PROGRAM IMPACT

Because of the wide variation in project objectives, it is not possible to provide cumulative data that reflects overall statewide accomplishments.

Each program has beeen designed to meet the needs of the local elderly population within their respective communities. Individually, however, the programs have provided vast amounts of service and education to senior citizens, been well received, and in general have reduced the sense of fear and isolation of senior citizens within California.

This is well documented by citizen response to a survey questionnaire administered by all community crime resistance projects. Over 98 percent of those questioned responded that they planned to participate in some fashion in local crime prevention efforts. Almost 86 percent of those queried planned to be neighborhood watch households.

For the first time, because of passage of proposition 8, the victims' bill of rights, crime victims now have rights that were previously denied. To give that right meaning, crime victims need advice and assistance of legal counsel.

A program to become operable later this year, the University of the Pacific's respected McGeorge School of Law has begun an ambitious private sector program to deliver those essential legal services to crime victims throughout the State.

Once all the necessary administrative and support resources are in place, which will be soon, the program will actively begin. The key to its success is simplicity and substance.

The simplicity is that any crime victim anywhere in California can get help, once the program begins, by calling (1) 900–VICTIMS.

This easy-to-remember telephone number was made available by the Xerox Corp. at great trouble and expense. It is valid not only in California, but throughout the Nation.

Thank you for this opportunity to address you, as a member of the Senate Special Committee on Aging. I look forward to continuing cooperative efforts with you and your office to address the needs of our elderly citizens.

Senator WILSON. Ms. Baker was a member of the Junior League of Los Angeles, and she was invited by then District Attorney Van De Camp, in 1977, to organize the first victim-witness program for the district attorney's office in 1977.

This is, if not the first, then at least one of the very first efforts of its kind in the Nation, and I think the experience Ms. Baker has had in directing that office is critical in importance.

We're going to hear, in a moment, from the victims of the crimes. Her perspective is that of someone who daily is concerned with trying to alleviate suffering of victims of crime by making use of what funds are available, and what resources are available within the community to achieve that belief.

We're grateful to you for your efforts and delighted that you could be with us this morning.

STATEMENT OF MIA BAKER, LOS ANGELES, CALIF., ADMINISTRATIVE COORDINATOR, LOS ANGELES CITY ATTORNEY'S VICTIM-WITNESS ASSISTANCE PROGRAM

Ms. BAKER. Thank you very much. It's my pleasure to be here, and particularly to thank you for providing an opportunity to some of the Los Angeles elderly crime victims to testify today before the committee.

I should make it clear that I now administer the Los Angeles City attorney's victim-witness assistance program, 1 of the 35 programs which Mr. Howenstein's office administers.

Our office, for the past 3 years, has assisted over 300 elderly victims of crime and violence, and our experience we believe, is significant in that it confirms a number of studies made on the effects of crime on the elderly. Contrary to some beliefs, the elderly are not more likely to become crime victims than other age groups, but the effect of crime on the elderly is disproportionate.

We see three particular impacts: physical, emotional, and financial. It's important to recognize that the Penal Code violation in no way is

correlated with the actual effect of the crime on the victim—a very minor crime by the Penal Code charging standards can have a very great and disproportionate impact on elderly victims.

Elderly victims suffer more severe injuries, and are more likely to have preexisting conditions which are aggravated by the criminal act, and many are permanently disabled.

A true and shocking statistic is that 25 percent of all elderly purse-snatch victims die within 1 year of the commission of that crime. Within our program, in the city of Los Angeles, we have seen two such cases in the past month. They are not unusual.

Many victims who do survive crimes of violence, many elderly victims, are so functionally impaired that they express the wish to die, and this depression hastens death.

It is also not uncommon to see the occurrence of major physical events, such as heart attack, stroke, or the discovery of rapidly growing cancer in the weeks immediately following a crime against an older person.

In all such cases documented by our program, the medical doctors have stated that the crime apparently precipitated the later physical event, and Rosa Linares, who is here to testify before you today, exemplifies such a case.

Because of the disproportionate physical impact, it's easy to understand why the emotional impact of crime on our elderly citizens is so great. The fear of crime makes prisoners of us all.

Certainly, we hear daily from elderly citizens that they have become prisoners in their own homes, because they feel they no longer can walk the streets in safety.

Here again, there is no apparent correlation between the severity of the crime and the emotional impact on the victim. Many victims suffer what is called victim trauma syndrome. Approximately 25 percent of all crime victims of all ages will have a severe-to-disabling reaction to the crime, and 5 percent will become permanently disabled as a result of the stress reaction.

We have found that the distribution of crime prevention information, groups such as you mentioned—neighborhood watch groups, and things like that, and Home Secure in Los Angeles, which will provide adequate locks and information in the home of the crime victim—can do a great deal to dispel this fear of crime. But when crime strikes, the worst fears of the elderly citizens are confirmed, because the financial impact of the crime at that point will hit home.

The elderly are more likely to live on a fixed income and have fewer economic resources than other age groups, and even a small loss can leave a severe impact. It is not unusual for us to see crime victims who have a dollar loss in excess of $1 million, but this requires that you count what I call the secondary cost of crime. Crime is reported in terms of the actual dollar loss. If you had $5 in your purse, and it was snatched, that would be reported as a $5 loss, and yet we know very clearly that the cost of that crime to the victim, and to society, can exceed a quarter of a million dollars in some cases we have documented.

The secondary costs of crime include all those forms of reimbursement—insurance, both private and public, medicare, Medi-Cal State disability, social security disability, unemployment compensation,

public assistance—welfare—which are necessary to provide a standard of living for crime victims once they have been victimized.

In some cases, victimization of an older citizen who is still employed results in early dependence upon social security and old-age benefits. Frank Irey, who is testifying before you today, represents such a case. If we recognize these secondary costs of crime, I believe we gain a truer picture of the disproportionate financial impact of crime on the elderly—an impact which is transferred to all of us as citizens and taxpayers through the increased cost of public programs.

As a Nation, we allocate less than 1 percent of our criminal justice budget for the needs of crime victims and witnesses, even though they make up more than 50 percent of the participants in the system.

The fact that the system is "offender centered," means that few financial resources are presently available. The victim of crime learns rapidly that he pays twice for crime. First through tax dollars to support the criminal justice system, and second, when he himself is victimized and must pay his own expenses. We have found the most helpful assistance we can give crime victims, particularly elderly crime victims, is to apply on their behalf to the victims' indemnity fund for State compensation.

However, the maximum amount which a victim can receive is $10,000 for out-of-pocket medical expenses, $10,000 for out-of-pocket wage loss, and $3,000 for rehabilitation.

Darrell Girton, who will be testifying before you this morning, represents a case where an elderly victim had no insurance, and where his out-of-pocket medical costs alone far exceeded $100,000.

S. 704 would provide the additional funds greatly needed in California to indemnify elderly crime victims. It would particularly benefit these victims who suffer losses not covered by insurance for medical care or medicare. Each of the elderly victims testifying illustrates the urgent need for this increased compensation.

Like the California statute, S. 704 requires convicted criminal offenders to repay their victims through fines and penalty assessments. This assures victims they will not have to pay twice for the crime, and places the responsibility for victim indemnification on the offender, rather than the taxpayer. Our Nation's crime victims deserve no less.

Senator WILSON. Thank you, Ms. Baker.

[The prepared statement of Ms. Baker follows:]

PREPARED STATEMENT OF MIA BAKER

The Los Angeles City attorney's victim-witness assistance program is 1 of 35 programs throughout the State which provide direct services to victims and witnesses of crime. Elder crime victims are specifically mentioned in our enabling legislation,[1] and all programs provide augmented services to meet the individual needs of elder victims and witnesses. Both the statewide victim-witness assistance programs and State victim of violent crime compensation are funded through fines and penalties imposed at the time criminal offenders are convicted. No public tax dollars are used to support these programs.

Since its inception in January 1981, the city attorney's program has worked with over 300 elder victims of violent crimes and their families in the Greater Los Angeles area. Our data and observations confirm the results of recent studies of elder crime victims,[2] and are outlined below.

---

[1] California Penal Code section 13835.6(d).
[2] Goldsmith and Goldsmith, [illegible] :2, 1977 :146.

The elderly are not more likely to be victimized than other age groups. However, the impact of crime on the elder citizen is disproportionate.

(A) *Physical impact.*—Elder victims suffer more severe injuries, heal more slowly, and are more likely to have preexisting conditions which are aggravated by the criminal act. Many never recover from their injuries, or are permanently disabled.

In 1981, our program filed a State victim of violent crime compensation claim on behalf of a 79-year-old purse snatch victim. We have maintained contact with the victim, and her case has become a prototype of those we now see on a daily basis.

The victim and her sister were leaving a restaurant in a popular tourist attraction on a Sunday afternoon when a young man ran toward them from behind, cut the victim's shoulder purse strap with a knife and grabbed her purse. He pushed the victim to the ground as he fled to a waiting vehicle.

The victim's injuries included a broken hip, broken wrist, and numerous cuts and deep bruises. She required surgery to repair the hip, and spent many months in convalescent care and rehabilitation. After 2 years, she is able to walk haltingly with a walker, and still requires help in the home.

Before the crime, she had worked all her life to provide for her retirement; she was proud of her independence, and her ability to drive a car, and manage her own home. Today she walks with great difficulty, cannot drive, and must depend on others for care. She has moved in with relatives, and is concerned about the burden she creates for them, as well as her own loss of independence. She expresses depression and anger over her present condition. Her assailant was never apprehended. Her purse contained $2.30.

Our experience since 1981 indicates that this victim represents a "good" recovery. Many older victims never walk again following a broken hip. National statistics reveal that 25 percent of all elderly purse snatch victims die within 1 year of the commission of the crime.[3] Within the past month, our program has seen two such cases which resulted in death. Those victims who do survive, but are disabled, may be so functionally impaired that they express the wish to die.

It is also not uncommon to see the occurrence of major physical events such as heart attack, stroke, or the discovery of a rapidly growing cancer in the weeks immediately following a crime against an older person. Rosa Linares, who is testifying today, represents such a case. In all such cases documented by our program, the medical doctors have stated that the crime apparently precipitated the later physical event. While such events do occur in younger victims as well, they are disproportionate among the elderly, in our experience.

(B) *Emotional impact.*—Fear of crime is particularly high among the elderly. Fear and perceived vulnerability cause many elder citizens to become virtual prisoners in their own homes. When they do become victims, the elderly may suffer more a severe stress reaction if they are isolated and without family or community support systems. There is no apparent relationship between the severity of the crime charged and the severity of the psychological impact on the victim. Even a "minor crime" can cause a disabling stress reaction.

Victims of all ages experience the emotional or psychological stress reaction known as "victim trauma syndrome." Twenty percent of all victims experience a severe-to-disabling stress reaction, and 5 percent are permanently disabled by crime-induced emotional stress.[4]

It has been said that the fear of crime makes victims of us all. The elderly may be particularly fearful not only because of the actual threat of crime, but because of the perceived threat. Goldsmith has stated that for the elderly, "[w]hen increased vulnerability and relatively greater impact of crime is considered, an often exaggerated sense of helplessness and pervasive fear is understandable."[5] The result is that elder citizens may withdraw from community life, thus further isolating themselves from existing support systems.

Our files indicate that the worst fears of many elder citizens are realized when crime strikes. For this reason, the distribution of crime prevention information and assistance, and the establishment of senior citizen crime prevention programs is seen as a particularly effective method to prevent victimization and

---

[3] Source of statistics: National Organization for Victim Assistance (NOVA).
[4] Ibid.
[5] Jack Goldsmith, "The Elderly Victim and the Criminal Justice System: A Time for Advocacy," reprinted in Forgotten Victims: An Advocates Anthology, California District Attorneys Association, 1977, p. 146.

lessen the perceived threat of crime. In addition, elder citizens are valuable peer counselors and volunteer victim-witness aides.

(C) *Financial impact.*—The older person is more likely to live on a fixed income and have fewer economic resources than other age groups. Even a small loss can have severe consequences if the elder victim must forego necessities as a result of property loss or medical expenses.

To our knowledge, the true cost of crime in the United States has never been documented. The dollar cost of a crime is typically calculated on the basis of property loss. Using this formula, the purse snatch detailed above resulted in a $2.30 loss. The secondary cost of this crime, however, may exceed a quarter of a million dollars.

The secondary costs of crime include private and public medical insurance premiums and payments, including medicare and Medi-Cal; State disability insurance; social security disability; unemployment compensation; private and/or employer supported disability and sick leave plans; and public assistance (welfare) payments made to victims as a direct result of crime. In some cases, victimization of the older employed citizen results in an early application for social security old-age benefits which would otherwise have been deferred. Frank Irey, who is testifying before you today, represents such a case.

Calculated on this basis, the true cost of crime to society as a whole is staggering, and no sector is exempt. The costs to each individual victim may be overwhelming. By recognizing these secondary costs of crime, we gain a truer picture of the disproportionate financial impact of crime on the elderly—an impact which is transferred to all of us through increased costs of the public and private programs mentioned above.

California legislation requires the convicted offender to pay a portion of these costs which result from the criminal act, whether or not restitution is ordered.[6] S. 704 would accomplish this goal at the Federal level through its mandatory fine and penalty structure.

ELDER VICTIMS AND THE CRIMINAL JUSTICE SYSTEM

It is well documented that as a Nation, we allocate less than 1 percent of the criminal justice budget to provide services for crime victims and witnesses, although they constitute fully one-half of the system's participants. Because the system is "offender centered," and 99 percent of its budget is spent for offender-related expenses, few resources are presently available to aid crime victims and witnesses. The victim-witness is the only unrepresented party at a criminal trial. After countless delays, a case may be dismissed or finally disposed without notification to the victim. We have also documented cases where elderly victim-witnesses died or became mentally incompetent to testify while awaiting a trial date which was repeatedly continued at the request of the defendant.

Victims of all ages wonder whether the criminal justice system is named for the justice it provides to criminals. Since the system is supported through tax dollars, the victim discovers that he actually pays twice—first to support the criminal justice system, and again when he must pay for his own crime-related losses. These factors can weaken the system if citizens lose confidence in the ability of the police, prosecutor, and courts to provide justice for all parties to a crime. While the elderly report crime to the police at a relatively high rate, many fail to report because of fear, or a perception that "nothing will happen."[7]

VICTIM-WITNESS ASSISTANCE PROGRAM METHODOLOGY

It has been our experience in the Los Angeles City attorney's program that crime victims suffer less severe psychological consequences, and are more willing to cooperate with criminal justice personnel, and to testify at trial, when they receive services appropriate to their needs as soon as possible after the crime occurs. By placing staff directly in the police station and listing the program's telephone number on the "victim's report memo" given to all victims by the Los Angeles Police Department at the time a report is taken, we receive many cases within hours after the crime occurs. Referrals are also received from the statewide toll-free victim-witness telephone line operated by the office of criminal

[6] California Government Code section 13967, Penal Code sections 1463.18, 1464.
[7] U.S. Department of Justice, "Crime Against the Elderly," analytical report SD–VAD–10, 1981.

justice planning, from hospitals and numerous public and private agencies. In addition, all victims of violence in cases prosecuted by the Los Angeles City attorney receive a personal offer of service at the time the case is filed.

In an initial intake interview conducted in person or by telephone, the victim-witness coordinator provides immediate crisis intervention, and assists the victim by prioritizing needs and making referrals to appropriate agencies. An explanation of the criminal justice system is given, and the victim is offered assistance with all court-related procedures, including witness protection, court transportation and escort, witness fees, property return, restitution, and case disposition information.

An immediate assessment of the victim's eligibility for State victim of violent crime compensation (VVC) is made. If the victim appears to qualify, a VVC claim is prepared, verified, and submitted to the State Board of Control, which administer's the victim's fund. In 1982, the city attorney's program filed 315 fully verified claims and received $438,772 in State compensation on behalf of crime victims. Our VVC records indicate that elder victims as a group suffer more serious injuries and incur large medical losses than do younger victims of comparable crimes. The impact of crime, both physical and financial, has been disproportionate for the elder vctims we have served.

State compensation has particular value for the elder victim because it pays for many medical expenses not covered by medicare or Medi-Cal. These include replacement of eyeglasses and dentures, dental work, prescriptions, and nursing home care. Because VVC is a reimbursement for out-of-pocket loss, the elder victim can recover the difference between the actual cost of treatment and the "reasonable and customary charge" allowed by medicare. Depending on the fees charged by the medical providers, it is not unusual for us to see elder victims who have paid for both medicare coverage and a supplemental insurance policy, and who are nonetheless covered for only 50 percent of their actual expenses. This occurs because medicare pays 80 percent of the "reasonable and customary charge"—the victim is liable for any difference between this covered amount and the actual charge.

The maximum amounts payable through VVC in California are $10,000 medical, $10,000 wage loss, $2,275 funeral-burial, and $3,000 rehabilitation. The $10,000 maximum for medical expenses can be a major limitation for elder victims who do not have other insurance coverage. These victims may be left with staggering medical bills which deplete retirement savings and result in dependence on public assistance programs.

Since VVC is a reimbursement program, the victim must either pay for treatment when rendered and await reimbursement from the State, or attempt to find medical providers who are willing to wait for State payment. This can result in an elder victim deferring treatment which is needed immediately. To meet this need, the city attorney's program has established a victim emergency fund for food and emergency medical care, so that victims need not postpone needed treatment or medication. In addition, intervention with creditors and referral to consumer credit counseling agencies are offered.

S. 704 would provide much-needed additional funds for State victim compensation, and would allow the amount of compensation for medical expenses and lost wages to increase beyond the present $10,000 limit.[8] This increase would particularly benefit elder victims who suffer losses which are not covered by insurance, medicare, or Medi-Cal. Each of the elder victims testifying before the committee today illustrates the urgent need for such increased compensation.

If we are to restore fairness to the administration of justice, we must assure crime victims that their rights will be considered equally with those of the criminally accused. Without sacrificing any of the constitutionally guaranteed rights of the criminal offender, we can and must guarantee the rights of crime victims. In a poignant statement which echoes what victim-witness assistance programs have heard so often, one crime victim said: "They explained the defendant's constitutional rights to the *n*th degree. They couldn't do this and they couldn't do that because of his constitutional rights. And I wondered what mine were. And they told me, I haven't got any." [9]

---

[8] California Government Code section 13965(d).

[9] Statement of a victim quoted in the President's Task Force on Victims of Crime Report, 1983.

By providing funds for a Federal victim's advocate, for victim-witness services at the Federal level and for augmentation and technical support of State victim-witness program, S. 704 represents a major step forward in recognition of the rights of crime victims. Like California's statute, it requires convicted criminal offenders to repay their victims through fine and penalty assessments. This assures all victims that they will not have to "pay twice" for crime, and places the responsibility for victim indemnification on the offender rather than the taxpayers. Our Nation's crime victims deserve no less.

Senator WILSON. Before we hear from the victims, who have been kind enough to come this morning and share their experiences with us, let me just ask a couple of questions.

Given the effort that the State has made in pioneering efforts, let me ask you to elaborate, both Mr. Howenstein and Ms. Baker, on the comments you made in support of Senator Heinz' legislation, S. 704. It would provide matching funds.

Now I gather what that would do is not really alter the upper limit, but simply expand the program, so that it can reach more victims.

Mr. HOWENSTEIN. I believe it would be what we would be looking for, Senator. Currently for our victim-witness program, we receive about $5.2 million out of the indemnity fund, as a result of penalty assessments, and about $14 million a year goes to repayment to victims for their losses, either medical or wage.

To expand on that, with the Federal assistance, as we review the grants and requests we get from and throughout the State, all of which exceed the pittance of money we have to meet those needs, and expand those services with Federal money, and particularly to exceed the current limits we're faced with, I think, is what would be most responsive to this critical problem.

Senator WILSON. Is there under existing program any kind of a means test?

Mr. HOWENSTEIN. The fee has to do with the cost in the indemnification of the witness.

They do give that consideration but the real recognitions, real loss, and that is what they're really trying to offset is the real loss. We're interested in the preventive programs. Because the enhancement of those and the service to victims, I think, will encourage their support and will strengthen and involve them more in our crime watch program.

In California, senior citizen participation exceeds any other segment of the community in the State as they are very, very active in the neighborhood watch leadership, and having them more involved helps to reestablish their trust in the system, and recognize that the system works. The system works for crime victims. The system is out there, and it gives them strength, and will reduce victim trauma. To know that people care about them when they're afraid, and as we, as a society, reestablish our strength, then we can join hands and make it 98 percent of the population, telling the criminal population of 2 percent: "Look out, because we're all alined against you. No longer will we be fearful in our homes because we have the kinds of support that returns our trust and human dignity as a result of these programs."

Senator WILSON. Ms. Baker, would you care to add anything?

Ms. BAKER. As I understood your question, it was whether or not there was a required amount of loss for a victim to qualify.

Until just this past January, the statute read that the victim must show a financial impact due to crime. That was repealed by legislation authored by Senator Martinez last year. So that now, a victim on a fixed income, due to age or disability, need show no minimum loss. Any loss can be compensated. We have applied for $20 on behalf of elderly victims, and as much as $20,000.

Senator WILSON. In terms of out-of-pocket loss, do you require actual out-of-pocket loss? In other words, there has to be a showing of medical expenditures, property loss?

Ms. BAKER. No property loss is compensated under the statute, only medical, wage loss, funeral-burial expenses, and rehabilitation. We're not aware of any other programs, other than restitution—which is ordered by the judge and requires a court order and the ability of the defendant to pay—we are not aware of any other means of recovering the cost of lost property, unless the victim should have insurance.

Senator WILSON. Let me just ask this question to Mr. Howenstein: I would assume, and I would like to be wrong on this, but I would assume it is rare, restitution in the case of a violent crime as a practical remedy?

Mr. HOWENSTEIN. I believe you're accurate, Senator. Usually the perpetrator in the violent crime area is not one who has a financial resource to actually make direct compensation to the victim, and, therefore, the real critical importance of indemnification activities proposed are taking place in California, as well as——

Senator WILSON. Did I understand you to say approximately $5.2 million actually is available in this indemnification fund?

Mr. HOWENSTEIN. For the victim system, in the 38 of our—36 of 58 counties.

Ms. BAKER. It is $17 million for direct indemnification of victims, and the full amount has been spent every year.

Senator WILSON. I am wondering if there isn't some way to look past the restitution, which I think is, perhaps, seeking high satisfaction of us in wanting to punish the perpetrator of the crime and make whole the victim. If we're trying to make whole the victim, it would seem the only likely deep-pocket prospect, in terms of criminal defendants, would be those engaged in profitable crimes, and that may be a means whereby some funding from the Federal level, working toward Federal crime penalties would offer some hope, because there is substantial property involved under the existing Federal law available.

The people who are running large quantities of drugs around, in things like tankers, airplanes; those airplanes and tankers can be confiscated. I would think in action, if those funds could find a way, we could perhaps increase what's available.

Any questions from the staff?

If your schedule permits, and if we have any additional time, we would be glad to pursue additional questions, I am very personally, very heartened by the State and local efforts here in California, especially those here in Los Angeles, and I commend both Mr. Howenstein and Ms. Baker for their excellent presentations and the excellent job they're doing.

I think we will now move to the statements of the victims, and they have already been alluded to in the testimony of both of our witnesses.

If you wish, we could take your statements now and let you get about the public's business. We will then go to that next.

Our next witness from the panel dealing with the subject of fraud, and local and Federal solutions, is Supervisor Deane Dana, who, I know, needs no introduction. He is here this morning in the capacity as a member of the board with the special responsibility of the problems of the aging. We are delighted, sir, that you could find time in your very busy schedule to appear before us.

STATEMENT OF DEANE DANA, SUPERVISOR, LOS ANGELES COUNTY, CALIF.

Mr. DANA. I am glad to be here today, and I want to thank you so much for holding this hearing in the county of Los Angeles. Los Angeles is the largest county in the United States, with a great number of senior citizens and people who are concerned.

I am chairman of the county's department of senior citizens affairs, and I am acutely aware of the fear crime brings to the elderly. Testimony submitted for the county's area plan for 1983 through 1986 confirmed that personal security and crime against the elderly continue to be major concerns.

While our department of senior citizen affairs is not currently funding any crime prevention programs, it is continuing its advocacy efforts to provide crime prevention literature and speakers through the Affiliated Committee on Aging Network.

The department also provides technical assistance to crime prevention programs in Los Angeles County, which I will briefly outline.

The Westside Independent Service for the Elderly, known as "WISE," is using a State Office of Criminal Justice Planning grant extension to expand and maintain citizen watch programs in the city of Santa Monica by involving both neighborhood groups and the Santa Monica City Police Department.

The program's four key areas are: One, crime resistance, education, and training; two, home security and burglary prevention; three, victim-witness assistance support; and four, senior escort services.

The city of Pasadena funds a crime resistance involvement council to help older people minimize their chances of becoming crime victims and assists those who do. The program provides deadbolt locks for the elderly who cannot afford to have them installed commercially.

Other county-sponsored programs include the district attorney's victim-witness assistance program, which provides compensation, witness assistance, and witness information.

The sheriff's department placed its crime prevention units in its 17 area offices to enhance responses to specific area crime needs.

Our consumer affairs department uses a community development grant to combat door-to-door sales and home repair frauds.

Block watch, neighborhood watch, and citizen awareness programs have been organized in many unincorporated areas and in several cities, in cooperation with law enforcement agencies and service clubs, who help financially in a great way.

The use of the Federal Older Americans Act fund revenue for congregation and home-delivered meals, transportation, escort, and senior center programs are not categorized as crime prevention, but they do

help allay the elderly's fear of crime, providing safe and secure settings, and hopefully to overcome their self-imposed, crime-inspired isolation.

The board of supervisors also supports the carrier alert program of the U.S. Post Office and the National Association of Letter Carriers. Our department of senior citizen affairs is working with the letter carriers to expand the program in the county.

Making our streets safe again is a need for the elderly, but dollars alone will not do the job. It will take innovative ideas and, above all, awareness and caring by everyone.

Thank you.

Senator WILSON. Thank you very much.

We're grateful to you for your efforts and also for being here today and I'd like to commend the county for the jobmaking effort on behalf of the elderly of Los Angeles County.

Honoring your other obligations, we will excuse you, sir.

Mr. DANA. Thank you very much.

Senator WILSON. We have three witnesses this morning who are representatives of thousands more. They are victims of crime. They are typical of many, and they happen to represent a geographical spread in the Los Angeles County.

Each has been a victim of violent crime. The victim-witness assistance program helped each of these individuals apply for compensation available through the State victim indemnification program.

Without saying more, we will invite each of them to tell his or her story of how indemnification funds have assisted them.

Would you give us your name?

Mr. ALSUP. Grover Alsup.

I am a friend of Darrell Girton. I've assisted them in their endeavors to get through the hospitalization or whatever problems they have had.

Senator WILSON. All right.

Why don't you pull the microphone close so we'll be able to hear you.

STATEMENT OF DARRELL GIRTON, LOS ANGELES, CALIF., READ BY GROVER ALSUP

Mr. ALSUP. This is the statement of Darrell Girton. The date of the crime was October 21, 1982, and the type of crime, hit and run:

On October 21, 1982, I was on my way to the union hall to report for possible employment when I became the victim of a hit-and-run driver.

The police told me that the car hit my motorcycle from behind at high speed. My motorcycle was imbedded in the grille of the car, and I was carried on the hood of the car for more than one block, until the driver turned and I was thrown off.

I was in the hospital for the next 3 months and had surgery for a crushed pelvis, severed bowel, and extensive internal injuries. I still need further surgery.

In the 8 months since the crime, my medical bills have come to over $100,000. My wife and I took a loan and have paid out more than $30,000 in medical expenses. I do not have any medical insurance, and I am not old enough to receive medicare. Even though I have promised to pay my doctors and hospitals $100 a month. I am afraid I will never be able to pay off these bills. The amounts are just overwhelming. On top of this, my wife had to have radical surgery of the colon in January 1983, so we have both needed help at home.

Until last year I worked as a pantryman at the Brown Derby Restaurant. When the restaurant went out of business, I couldn't find another job right away, but I reported to the union hall every day.

Since the crime, I have received $141 per week from the State disability, and my benefits ended last week. I applied for social security disability, but I was told I must wait until I have been disabled for an entire year in order to qualify.

Since the crime occurred, the only assistance I have received with my medical bills was $10,000 from the State victims of violent crime fund, which the victim-witness assistance program helped me apply for. With expenses over $100,000 even this has not been enough. The driver who hit me didn't have any insurance, and couldn't pay restitution. Although he will spend a year in jail, that does not help anyone.

I believe the most pressing problem of crime victims is the financial costs, and the attitude toward crime victims. I have lost my health, my ability to work, and my life savings.

I cannot afford the medical treatments I still need to recover. I believe the Social Security Administration needs to be brought up to date about the needs of the crime victims, and medical and hospitals should be nationalized.

Senator WILSON. Thank you, Mr. Girton.

Next, we will hear from Rosa Linares.

Ms. SARMIENTO. My client does not speak English, so I will read her statement.

Senator WILSON. Please speak into the microphone.

STATEMENT OF ROSA LINARES, LOS ANGELES, CALIF., READ BY MARIA ELENA SARMIENTO

Ms. SARMIENTO. I am Maria Elena Sarmiento, victim assistance program, city attorney's office, and I am here with my client to read her statement:

I was returning home from the market on June 5, 1982, with my daughter and son-in-law. While we were parking the car out in front of our house, three men pulled up in a car behind us and began bumping into our car. My son-in-law asked them to stop, but they got mad at my son-in-law for asking them to leave us alone.

My daughter and I got out of the car and entered our apartment, and the men followed us. We closed the front door, but they broke into our apartment and began beating us. I was thrown to the ground, kicked, and beaten. In addition to physical injuries, they did extensive damage to the apartment before they ran away.

I was hospitalized for 20 days as a result of this incident, and my hospital bill was over $11,000. Even now, 1 year later, I am unable to walk, and require constant care and assistance from my family. I was in a state of shock, which I believe led to my total disability of not being able to walk, I experienced insomnia and had nightmares for many, many months.

As a result of my total disability and because we cannot afford to pay a full-time person to care for me, my daughter, Amanda, had to quit her job to take care of me. This caused financial difficulty in our household.

The victim-witness assistance program contacted me before our case went to court, and then filed a State victim of violent crime compensation claim for me. I received the State's maximum award of $10,000, but this was still not enough to pay my hospital bill.

I am now covered by Medi-Cal, but this does not pay for the home care I need to allow my daughter to return to work. I have been in the hospital before, because of my heart, and my doctor says the beating has made my condition worse.

Two of the men who assaulted us were arrested. One never appeared in court, and the other was sentenced to 30 days in jail. He did not have to pay any restitution. I am still afraid they may come back.

Senator WILSON. Thank you very much.

I'd attempt to inquire what the explanation was for the light sentence, but, again, as has been pointed out, it does not do very much to

assist Ms. Linares at the present moment. But I think, perhaps, if an example were made, and sterner sentences given, it might help others in the future by protecting themselves.

I think what we are going to want to do, Mr. Rodgers, is to make some inquiries, both with respect to the testimony we're hearing this morning from Ms. Linares and Mr. Girton about what appeared to be some gaps in the law, as it relates to the ability to receive social security benefits on the part of one disabled by crime.

Could we hear from Mr. Irey, who is sitting at the witness table?

STATEMENT OF FRANK IREY, LOS ANGELES, CALIF.

Mr. IREY. This was a robbery attempt, and a murder attempt on me.

One never thinks that you will be the victim of a violent crime, until two men walk into your store. In a few seconds, one of them whips out a gun and says, "This is a stickup," and shoots at the same time.

The bullet, a .38 caliber, hit me, entering the collarbone on the left side, cutting the motor nerves in two, through the left lung, and exiting the back, under the left shoulder blade. I am down, but conscious.

One of the men came into the area where I am down, and put a gun to my head, and pulls the trigger, but it didn't fire. A few minutes later, some people had gathered outside and one or two came in to see what happened, and they found me on the floor, covered with blood.

Twenty-five to 30 minutes go by before the paramedics get me. I am rushed to the trauma center, and for the next 11 days, the doctors didn't know if I was going to live or die. I was covered in part with hospital insurance.

We were told I needed therapy, and after shopping around for a hospital, we decided the VA hospital was the best place to enter. I entered the VA hospital, and they started me on therapy the next day, and kept me busy. I could only get around in a wheelchair, and for the most part, I didn't know where I was.

In the meantime, the wife is trying to keep my jewelry store open on Saturday, in order for customers to pick up their merchandise.

After 4 months in the hospital, I came home in much pain, and was always upset from all the medication I was taking, and the terrible pain I was going through.

Then one day I wake up to the fact that I can't do anything, other than sit and sleep, and that we were getting in a bad way, financially. The rent was going on, and bills had to be paid at the store.

When it came time to take inventory of the store, the shock came that a large portion of the money was taken, and most of our stock. Bills were coming at us from all directions.

We had to close the store because we could not pay the rent, as my wife could not keep the store open, and we were asked to move. Our livelihood was gone.

Then a son offered to help us financially, saying that he could reestablish a store in another location.

Due to emotional problems caused by all of us living together, this did not last, and he and his family returned to Nevada. It could not produce, so we had to close the store.

The cost of living was rising, and we had no income of any amount. Soon we found ourselves talking about living in cheaper quarters, and

then it got worse. Our customers, to whom we had given credit, just stopped paying, and to this date, we have had little or no luck collecting.

Now, in order to get by, we filed for social security and State disability, finding out how little income we were eligible for. We know we have to change our thinking again. My wife has a sister who lives in a mobile home park, and she offered us a bedroom. We had never lived in a mobile home, but decided this was nice and thoughtful of her, and we decided to do this until I get better, so my wife can take a job, and we don't think we can make it any other way. At the present, it takes a lot of her time just taking care of me.

I am returning soon to the VA hospital for a stay of 2 or 3 months. I would not be able to do this, except I was a prisoner of war for 42 months in Japan, and the VA now takes veterans of prisoner-of-war status, even if the treatment isn't service connected.

My wife and I hadn't heard of the assistance for victims of violent crimes until we thought it was too late to apply, but we went to their office and filed. The lady there in charge, Ellen Camarda, was exceptionally nice to us, and stated that she would hurry and get this filed for us. She was most helpful.

We haven't had a whole lot of contact with the victim-witness assistance program, because it has been only a short time since we applied, but upon meeting with Ellen, we have really felt we have a friend to help us be relieved of our extensive medical bills, and the prospect of retrieving some lost income through the victims of violent crime reimbursement program, which was encouraging. I would also like to mention the district attorney's office and the Foothill Police Department, as they have been very helpful to us, and they all deserve a big thank you.

Our lives have changed. We always had our daughters' children with us and we always took them places, and they loved to stay all night. They loved their grandpa, and I can no longer pick them up, and hold them, or take them places. I can no longer drive, and after 1 year, I am still on a large amount of medication, but as yet the pain is not controlled.

Right now, we are faced with uncertainties, and financial and health problems that we have no way of solving. I am no longer covered with health insurance. I cannot put my arms around my wife. I have not been able to fish, or partake of any sports. Our lives have changed dramatically. We were people who were sufficient, happy, and looking forward to a pleasant retirement, perhaps, at the age of 70 or so. Now we have nothing but hope.

Senator WILSON. Mr. Irey, how old are you now?

Mr. IREY. Sixty-two.

Senator WILSON. You did have some health coverage, but that's now expired?

Mr. IREY. Yes.

Senator WILSON. What were your total medical costs?

Mr. IREY. In the neighborhood of $44,000.

Senator WILSON. I assume you received the full $10,000?

Mr. IREY. We haven't received anything.

Senator WILSON. Not yet?

Mr. IREY. Not yet. We filed late.

Senator WILSON. How much did your own personal health coverage take care of?

Mr. IREY. Last count, something like $25,000.

Senator WILSON. All right, sir. Thank you.

I did not really enjoy calling these witnesses, and I thank them for being here this morning, and relating to us the crime perpetrated on them and the suffering that has been there as a result. This requires special courage, and I commend them for being here, and I thank them for being here, and I am grateful to them for sharing their experiences with us in the interest of trying to help others in the future who are similarly afflicted.

At this point, I think the case of the fact that we do have additional witnesses, and the time is moving very rapidly, we will excuse Senora Linares, Mr. Girton, and Mr. Irey.

They are certainly welcome to remain.

At this point I think we will proceed to panel 2, and the subject of prevention of fraud against the elderly, and invite Sheriff Greg Rigali and Postal Inspector Mel Moore to be witnesses.

While Sheriff Rigali is coming forward let me just say briefly the purpose of this panel is to share with the Greater Los Angeles community the experience of these two experts in the prevention of fraud against the elderly. I think it is clear from the unhappy experiences in this community, and many others, the elderly appear more susceptible, particularly to mail fraud. Something like 30 percent of all mail fraud complaints are made by the elderly. Several of them seem to deal with the medical quackery perpetrated through the mail.

We have also inferred from the experience of people like Sheriff Rigali that a great many elderly are reluctant to come forth after victimization. It is a natural reaction not to want to reveal that you have, in fact, been taken. So, even though recourse is available to them, it is not always chosen.

We also know very clearly that even in a relatively small amount of fraud, frequently the elderly are affected far more than it would someone with greater resources—those, who through no fault of their own, that has been eroded by inflation, are particularly the victims.

So, for that reason, we have felt it important to bring to this hearing two gentlemen who are engaged in the prevention of fraud, and with that, it is my pleasure to introduce them to the audience.

First, Deputy Sheriff Greg Rigali, who is here representing the Los Angeles Sheriff's Headquarters Crime Prevention Unit, and with him is Mel Moore, assistant postal inspector in charge of postal inspection services for the Los Angeles Division.

Gentlemen, we are pleased that you are here, and I will leave it to Sheriff Rigali to introduce the expert witness whom he has brought with him.

STATEMENT OF GREG RIGALI, SHERIFF, LOS ANGELES COUNTY, CALIF., SHERIFF'S HEADQUARTERS CRIME PREVENTION UNIT; ACCOMPANIED BY LT. ROBERT FLEMING, HEAD OF FORGERY UNIT

Mr. RIGALI. On behalf of the sheriff's department, we appreciate the opportunity to be here and share some of our thoughts and feelings in this most serious matter.

With me this morning is Lt. Robert Fleming, who heads the forgery unit and is, without a doubt, one of the persons of great expertise in the area of fraud and buncos as they affect the senior citizens.

He's come with me this morning in case there is more technical information that is needed. I'm very uncomfortable with reading this, but it is a prepared statement, so I will go ahead and proceed.

Senator WILSON. If you are more comfortable, feel free to summarize it, and we'll take the written statement for the record.

Mr. RIGALI. The Los Angeles County Sheriff's Department has for some period of time been aware of, and deeply concerned with, the very special problems surrounding the victimization of senior citizens.

This concern stems not only from a higher rate of victimization, but the isolation induced by fear of crime, and the often devastating consequences suffered by the senior victim.

The senior citizen realizes better than anyone, his inability to ward off or even flee from a situation of physical attack. Additionally, the senior is ill equipped to recoup from the losses or injuries, both physical and emotional, which may be incurred.

Armed with this knowledge and the fear it creates, many of our senior citizens isolate themselves from their communities and live lives void of many of the pleasures they have worked for and planned to enjoy during their retirement years.

The department realizes and eagerly accepts our responsibility to provide senior citizens with information which will assist them in preventing, avoiding, or when necessary, surviving the occurrence of crime. In our efforts to provide this information, we have developed two crime prevention programs specially directed to the senior citizens.

The first of these programs, Senior Power, addresses the very obvious crimes affecting seniors, such as residential burglary, robberies, purse snatching, physical assault, and harassment by the neighborhood juveniles. The program includes the showing of the film "Senior Power" and a lecture and question-and-answer period conducted by the deputy sheriff.

The film depicts various crime situations and illustrates prevention and avoidance techniques available to the senior, as well as response techniques the senior can employ during an occurrence, which will reduce the likelihood of injury.

It has become clearly obvious that seniors are fearful of being attacked in their homes and are vitally interested in residential security. To this end, we provide security inspections and recommendations for upgrading security. However, the sad truth is, that most cannot afford most security devices. This is particularly a problem for those who rent.

This program, and the knowledge imparted, has provided many seniors the self-confidence required to overcome fear and live fuller and more normal lives.

The second program, Operation Con Game, was developed as a joint effort of our department and the La Verne, San Dimas Junior Women's Club. Since its inception it has been financially supported by Home Savings & Loan. Operation Con Game addresses crimes perpetrated on seniors by the confidence men. At first mention, the severity of these crimes may not be obvious. A few facts may point out this seriousness.

The most common con game includes the pigeon drop, the bank examiner, and the home-repair buncos. It is estimated that only one in five occurrences are reported to the law enforcement. In excess of 90 percent, all victims are 65 years of age or older. The median age is 67.

A good number of these crimes are designated for the taking of large sums of money and the last one, the bank examiner, is designated to identify the exact amount of the victim's savings, so as to allow for maximizing the theft.

The con artist is among the most elusive of all criminals, moving rapidly from one area to another, making apprehensions nearly impossible.

The victims of these crimes are quite often branded as stupid or senile by family members and placed in rest homes. Some, unable to cope with the embarrassment and loss of their independence have committed suicide.

Fraud investigators all agree that the prevention programs are needed to deal with these crimes. To this end. Operation Con Game was developed. The program is presented by a member of the women's club and a law enforcement officer, and includes the showing of a film, "The Bunco Boys," which depicts the most common buncos, the pigeon drop, the bank examiner, home repair, and door-to-door salesmen, and a lecture which covers numerous other buncos and unethical business practices.

During the question and answer period, it becomes obvious that a great number of senior citizens have been victims of minor buncos and never reported them.

Early in the program, included an appearance by a convicted con artist, serving time in prison, who would explain exactly how he bilked seniors.

I would like to stress this point, having the opportunity to watch this gentleman—and I use that term lightly—go out and speak to the public, and he would openly admit to people what he was, and how much money he had stolen from senior citizens, and how he had destroyed their lives by taking away their independence, and this individual was so charming and could develop rapport so quickly that when it was over, these senior victims would pat him on the back and shake his hand as the guards took him off to prison. These individuals are just magicians.

The program was expanded to a statewide program. Women's clubs and law enforcement agencies in 29 States have requested and received information on initiating this program in their communities.

Naturally, the emphasis is on the States where we have a high number of retired people.

During 1982, Operation Con Game was selected as the best volunteer program entered in the 1980 through 1982 community improvement program, cosponsored by the General Federation of Women's Clubs and Sears, Roebuck & Co., projects entered in the competition total 9,337.

In approximately 2½ years over 200 presentations have been given throughout the State of California at retirement and nursing homes, senior citizen social and service organizations, and senior nutrition groups. The average attendance at presentations is approximately 40

seniors. Plans are currently underway to include Operation Con Game as a portion of retirement seminars.

If any of you are interested in information on how you would institute this program in another area, there are at present books in the back, and you can get the information there. There is an address to write to the women's club.

There is one recommendation, and I think I will let Lieutenant Fleming make that to you, because it's actually his recommendation for something that can actually be done to alleviate some of these problems.

Senator WILSON. Thank you.

Lieutenant Fleming.

Lieutenant FLEMING. One of the most important things to recognize about the buncos is that they are perpetrated by skilled individuals. It takes training and time to become successful, confident operators. I'm talking about the pigeon drop and the bank examiner, because it takes skill. It is limited to the certain group of offenders. We're suggesting that possibly at the Federal level, maybe within the U.S. Department of Justice, a unit of experts could be developed to monitor and assist the local law enforcement in identifying and apprehending suspects involved in confidence games.

The same unit could develop crime prevention programs and materials local law enforcement could use to educate senior citizens regarding confidence crimes.

Again, because there are specific individuals with specific skills, it is not something that is just picked up overnight.

We now have classes where people are trained for up to 2 months and then the supervisor, if you will, puts his girls out on the streets, and some of them make it and some of them don't.

Senator WILSON. Thank you.

Before I introduce Mr. Moore, who is the assistant postal inspector for the Los Angeles Division, I would invite him to share with us, since he has served in that function in which any knowledge he may have, with respect to the existence of similar prevention programs of the kind that Sheriff Rigali and Lieutenant Fleming have outlined in other communities, and I would invite you to comment on it.

STATEMENT OF MELVIN D. MOORE, LOS ANGELES, CALIF., ASSISTANT INSPECTOR IN CHARGE, LOS ANGELES, CALIF., DIVISION, U.S. POSTAL INSPECTION SERVICE

Mr. MOORE. Lieutenant Fleming's suggestion for all local Federal and law enforcement agencies to identify con skills and their methods of operation is one that has been thought of before, but no Federal investigative agency, which I think it would take, has taken the lead to implement that program.

In Illinois, I've been associated with the State law enforcement agencies to share this intelligence, but not on a formal basis. It's an excellent idea.

The specter of mail fraud is particularly vivid for our Nation's 26 million older Americans. Because of the nature of their integrity, honesty, and friendliness, and some because of their fixed incomes and

mobility, elderly citizens tend to use the mail heavily to do their shopping.

Con game artists recognize their makeup, their integrity, and their limited income, and take advantage of it.

Our experience has been within that in the past several years because of the growth of the mail-order industry, who mostly are legitimate, but some aren't, elderly people are preyed heavily upon by the illegitimate mail-order firms.

For the last several years, the Postal Inspection Service has placed a high priority on investigations of schemes involving mail fraud where the elderly are victims.

The mail fraud statute, title 18 United States Code, section 1341, was enacted over 100 years ago when Congress recognized that mail-order marketing was a very serious problem when fraudulent operators are on the scene.

Almost 100 years ago, Congress passed the fraud representation statute, title 39 United States Code, section 3005. It's a civil statute within the Postal Service, whereupon an administrative law judge issues a mail stop order to the operator, which prohibits the operator from getting any proceeds through the mail. But it doesn't offer any restitution, unless imposed by the judiciary. Too often, white-collar crime victims who are defrauded of their life's savings, and have the opportunity to see the con man be convicted, sometimes for stiff sentences, but with no restitution.

During fiscal years 1977 through 1982, the Postal Service initiated 1,309 false representation fraud orders. However, it's a law that needs some adjustments. There are ways that operators can get around the law and for this reason, to further enhance the Postal Service's ability to deal with these problems of mail fraud, the U.S. Postal Service is supporting S. 450.

As Senator Wilson knows, the bill will provide additional tools to stop fraudulent mail-order schemes by providing civil penalties in terms of fines of up to $10,000 per day. These fines will be imposed by district courts for anyone who violates a mail stop order.

We believe this addition to the statute will significantly deter anyone inclined to become involved in fraudulent mail-order schemes.

Rather than read my statement, I would like to briefly describe several examples of recent mail fraud schemes where elderly were victims:

The Herbal Education Center in Vermont. The promoter of this school had over 800,000 catalogs mailed that advertised cures for cancer, arthritis, varicose veins, and other serious illnesses. More than 30,000 persons responded to the mailings and collectively invested an estimated $150,000. When the promotion was stopped by the Inspection Service, the promoter was sentenced to 5 years' probation and fined $6.000.

Potency Plus. This promoter sent mail advertisements to offer a miracle cure of the aging. His product, he alleged, would stop the process of aging and increase the lifespan of the user. His advertisement said it was to be used for anyone suffering from arthritis, bad eyesight and hearing, gallstones, high blood pressure, gout, ulcers, blood clots, constipation, heart disease, stroke, and all other maladies of aging. Before he was stopped, 7,000 persons sent in by mail $20

apiece for a 60-day supply of the miracle drug called Panax. Medical experts refuted these claims, but 7,000 people did send in their $20 before we were able to stop them.

The Phillips Envelope Co., in Salinas, Calif. This operator offered a work-at-home scheme to the elderly. It was stuffing envelopes. It's an illegal operation wherein he stated he would build your income to $250 a week by stuffing envelopes in your home. He used 17 different addresses, using nine different names, before we were able to shut him down; 43,000 victims of this scheme sent in money, collectively amounting to half a million dollars.

Lucius Ludwig Kosminski in Los Angeles, from 1969 to 1982, defrauded 3,000 victims by his schemes, half of which lived in the Los Angeles area. He claimed, by mail, that he would obtain restitution from the German National Government for victims of the Jewish Holocaust. He said he could do this for 15 percent of the award that the National Government of Germany would pay the victims. He convinced 3,000 people to sign powers of attorney, and he kept most of the restitution awards sent to him. In most cases he kept it entirely for himself. In 1982, in Los Angeles, he was sentenced to 12 years' imprisonment, but the restitution only included those victims listed in his indictment.

Thank you, Senator.

I'd be glad to answer any questions.

[The prepared statement of Mr. Moore follows:]

PREPARED STATEMENT OF MELVIN D. MOORE

I am Melvin D. Moore, assistant inspector in charge for criminal investigations, Los Angeles Division. I am here today at your invitation to discuss the problem of mail fraud and its impact on the Nation's elderly.

Mail fraud is not a new problem. It has undoubtedly been practiced since the introduction of the first public postal systems. However, public concern with this form of fraud has increased with the emergence of today's multibillion-dollar-a-year mail-order industry. The growth of this industry has been accompanied by an increase in the number and sophistication of deceptive mail-order promotions. And while the vast majority of mail-order businesses are legitimate, a small minority continues to threaten the integrity and reputation of the entire industry—as well as the public's confidence in the sanctity of the mails.

The specter of mail fraud is particularly vivid for our Nation's 26 million older Americans. Unfortunately, many fraudulent schemes tend to prey most heavily on the elderly, who, because of fixed incomes or limited mobility often rely on the convenience of mail-order shopping. Because of the nature of the schemes involved in our cases, we believe that a high percentage of mail fraud and misrepresentation victims are senior citizens.

Over a century ago, Congress desire to protect the public from marketing schemes conducted by mail led to the enactment of the Criminal Mail Fraud Statute, 18 U.S.C. § 1341, and the Administrative False Representation Statute, 39 U.S.C. § 3005. The Postal Service uses the provisions of these two statutes—the Nation's first consumer protection statutes—to combat mail fraud.

The criminal statute provides for fines and imprisonment for intentionally using the mails in furtherance of a fraudulent scheme. It is a powerful deterrent. The administrative statute offers an opportunity to protect the public from becoming victims of schemes to obtain money or property through the mail through false representations. This statute has a very simple mandate—that persons selling goods or services by mail refrain from the use of advertising which will mislead prospective purchasers in any material respect. Its principal sanction is an administrative "mail stop order" issued pursuant to procedures under the Administrative Procedures Act. If the violator is willing to change his advertisement to delete all misrepresentations, we will terminate

the formal mail stop order proceedings and accept a consent agreement which provides for the elimination of misrepresentations and for the issuance of a mail stop order should the agreement be violated. A mail stop order prevents the violator from receiving all mail pertaining to the product or service offered.

During fiscal years 1977–82, the Postal Service filed approximately 1,309 false representation complaints. This resulted in the issuance of 542 mail stop orders and the signing of 650 consent agreements.

To further enhance our ability to deal with the serious problem of mail fraud, the U.S. Postal Service is supporting S. 450. This bill will afford additional strength to our ability to stop fraudulent mail-order schemes by providing civil penalties for up to $10,000-per-day fines imposed by district courts for persons who violate mail stop orders. We believe the addition of this provision to our Civil Administrative Statute, title 39 U.S.C., section 3005, will be a significant deterrent to anyone inclined to become involved in a fraudulent mail-order scheme.

The Postal Inspection Service has assigned approximately 350 inspectors to investigate mail fraud and misrepresentation schemes. Among these inspectors are 18 Postal Inspector Attorneys who, together with a staff of attorneys assigned to the Consumer Protection Division of the USPS Law Department, prepare misrepresentation cases for presentation to administrative law judges.

Our investigations have revealed that mail fraud schemes concerning medical fraud, easy moneymakers (envelope stuffing), distributorships, and investment schemes prey heavily on the elderly.

At this time I would like briefly to describe a few examples of schemes in which the elderly were the victims.

HERBAL EDUCATION CENTER, VERMONT

The promoter of this scheme mailed over 800,000 catalogs advertising cures for cancer, arthritis, varicose veins, and other serious illnesses. More than 30,000 persons responded to the mailings and collectively invested an estimated $150,000. In June 1981, a false representation action was filed against this promotion which resulted in a consent agreement. In February 1982, the promoter of the Herbal Education Center was sentenced to 5 years' probation and fined $6,000.

POTENCY PLUS, MEMPHIS, TENN.

The promoter sent direct mail advertisements to thousands of senior citizens nationwide, offering "the miracle of the 80's"—a product which allegedly would stop the process of aging and increase the lifespan of the user. It was to be used by those suffering from arthritis, bad eyesight and hearing, gallstones, high blood pressure, gout, ulcers, blood clots, constipation, heart disease, stroke, and all the other maladies of aging. For $20, victims received a 60-day supply of pills consisting of vitamins C and E and a so-called miracle ingredient—"Panax." Medical experts refuted these claims, but 7,000 persons purchased this cure-all product before the promotion was stopped by a false representation order.

PHILLIPS ENVELOPE CO., SALINAS, CALIF.

Between July 1978 and July 1981, 17 envelope stuffing promotions were the subjects of false representation complaints filed against this promoter. The promoter used nine different trade styles at 17 addresses during this time period. False representation orders were issued against these schemes. In 1982, the promoter was found guilty of mail fraud. 43,000 victims of the scheme, many of them elderly persons, collectively suffered an estimated $500,000 loss.

WORM GROWERS EXCHANGE, SMYRNA, TENN.

Through ads in numerous newspapers throughout the United States and Canada the promoter solicited individuals on retirement or fixed income to raise earthworms in their backyards. Victims were told the National Worm Growers Exchange was ready to buy back all worms at a large profit to the grower.

For an initial investment of $2,500, victims received 30 pounds of worms, some newsletters acclaiming the many successes of worm farms, and an earthworm cake recipe, and that's all they received. Over 2,000 victims lost $3.5 million to this fraud. The five individuals responsible for this scheme were sentenced in 1980 to 3 years in prison with probation ranging from 3 to 5 years.

INVESTMENT SWINDLE, BOSTON, MASS.

Over a 9-year period, a Boston attorney swindled 100 of his elderly clients by convincing them to invest in a variety of promotions with promises of 15 to 20 percent annual interest and a full return of their principal in 1 to 3 years. He gained the confidence of many of his victims as a result of his position as president of a religious organization. In many instances, he knew the financial status of his victims because he had prepared wills for them. As soon as they received an insurance settlement upon the death of a spouse, he would induce them to invest money with him. Most of the money received was invested in his name or in the names of members of his family. To prevent his clients from knowing what actually happened to their money and enable him to continue his swindle, the attorney sent them some interest payments. This attorney received a 1-year prison sentence.

Senator Wilson, it has been my please to appear at this meeting and to present to you and the audience the activities of the Inspection Service to combat the serious problem of mail fraud. I will be happy to answer any questions you may have.

Senator WILSON. I would like to ask Mr. Moore, Sheriff Rigali, and Lieutenant Fleming, to what extent are these mail fraud operators people who are likely to pick up and move their operation?

I would assume they don't stay in one place very long for fear of gentlemen like you.

Mr. MOORE. Very likely, sir. That's one of their traits.

They will have trade names or d.b.a.'s that will go on forever. There are modes of fraudulent operation. They will make a one-shot operation, hoping for a good return. And sometimes, before they get the return, change their address and name and start another business.

Senator WILSON. The example you cited indicated that crime does pay. The restitution of $6,000 in the case of the Herbal Center is not a bad return on $150,000 illegal profits.

I think S. 450, and the companion measures in the House, are absolutely essential, because of the fact that those that are trying to avoid detection will move when they feel the hot breath of the law getting nearer.

And for the audience, I should explain that the existing law requires that before these gentlemen can act upon a complaint, this legislation would be that the complaints would be self-generated.

In other words, the Service, the Postal Service, could smell a rat and act upon that, and as far as I know, the only opposition to this has been voiced by the National Health Federation. The proponents are the regular administration, specifically the Federal Commission and the business community in general.

So I'm optimistic about the passage of that and that will, at least, I think, give you some added time upon which to find these people and bring them to justice. I think that the important thing to bear in mind though, and the reason we have invited both Sheriff Rigali and Mr. Moore is that we want to emphasize two things.

Part of the cure of this problem is to detect and apprehend people, and shut them down, and to prosecute and convict them, but that is, again, cold comfort to the victims. It at least puts these people away so they cannot victimize others, but the value, and I really think this program you engage in with the San Dimas Women's Club, this educational program, which is aimed at alerting the senior citizens of the perils of mail fraud, is really much better medicine, preventive medicine, rather than trying to cure the ones after it's been inflicted. And I would offer special congratulations to the sheriff's block in the de-

partment, and to the San Dimas Women's Club, and to Home Savings & Loan for their participation in this, because we have really got to make the elderly, in particular, aware of these bunco artists to the extent we are successful in doing that. If the people are alerted to it and made sophisticated and don't fall victim, you will greatly reduce the kind of work that Mr. Moore and the sheriff have to do.

They are trying to diminish the activity, and the only way they can really have hope of doing that is if you cooperate. I say that because there are a number of people in the audience who obviously are vigorous and wouldn't be here if they weren't interested, and they say the best advertising is word of mouth.

What the sheriff and the Women's Club have sought to do is take a step further and to bring about a program of education.

It's occurred to me that there are a number of very articulate and vigorous retired people who might well be incorporated in your efforts, and you might develop quite a faculty in your educational program, and it would seem to me it would be highly worthwhile, both for the teachers and those that are taught.

One of the pieces of legislation now, there's one by Senator Dole, and there are several others that are offering assistance to local law enforcement in sort of a block-grant formula. That has always seemed to be a wise thing.

I think the local law enforcement, the particular problems it faces in Los Angeles County, given the heavy incidence of elderly citizens here, and the kinds of programs that you are engaged in, it would seem to me is something that you could use some assistance with, even beyond that provided by Home Savings & Loan and the Women's Club.

I would invite you to make a part of our record by further written statement any suggestions that you have, with respect to Senator Dole's legislation, or anything else that you think would assist you both in the educational and in the apprehension effort that Mr. Moore has described.

Thank you, gentlemen.

Our next panel here in Los Angeles County, they're making efforts to prevent crime by the experience of making homes more difficult to burglarize, by making those living in isolation aware of the certain steps that can be taken by encouraging cooperative efforts on the part of those who otherwise might be victims, to prevent crimes by maintaining neighborhood watch.

We have a distinguished panel, and in the interest of time and allowing them to go forward, let me introduce them very quickly: Ira Handleman, executive consultant to the United Community & Housing Development Corp., and co-coordinator of the Beverly-Fairfax community patrol.

Prior to participation in the vitalize Fairfax project, Mr. Handleman spent 16 years in the Los Angeles area, and he was involved in the community development programs, relating to housing, crime prevention, and training.

Terry Warsaw is a businesswoman and a longtime resident of the Beverly-Fairfax area of Los Angeles. She is one of the elder volunteers in the program.

Marlene Singer is the director of Home Secure, Jewish Family Service of Los Angeles. Marlene Singer is a sixth generation Californian,

who is also a lifetime Los Angeles resident. She has been with Home Secure program for 2 years, and she has been active in providing community services for the past 11 years. She has an M.A. in psychology from the California State University at Northridge. She is a licensed psychotherapist.

Additionally, we have Capt. Frank Piersol here, the area commanding officer, Ramparts area, Los Angeles, Calif., Police Department. Captain Piersol has been with Ramparts area division of the Los Angeles Police Department for the past 10 years. He has headed the neighborhood watch in that division for the past 1½ years.

Ruth White is a resident of an apartment complex for senior citizens, MacArthur Towers. She moved to Los Angeles from her home State of Missouri. She is a citizen volunteer. We are eager to hear from the panel, and I would invite Mr. Handleman to begin, and we will go right down the table.

STATEMENT OF IRA HANDLEMAN, CO-COORDINATOR, BEVERLY-FAIRFAX COMMUNITY PATROL, LOS ANGELES, CALIF.

Mr. HANDLEMAN. With all the testimony today, I'm pleased we can talk about the Beverly-Fairfax community patrol.

Briefly, the patrol is made up at the present time of 150 volunteers in the Beverly-Fairfax community. For those of you who don't know, it has one of the largest concentrations of elderly in the Western United States.

About 25 to 30 percent of the patrol are over 65. It was started about 9 months ago, in response to all the crime in the area. The community got together, both the businesses and the residents, and we raised over $10,000. We bought Motorola radio equipment and received training from the Los Angeles Police Department. I want to compliment the cooperation we've gotten, both from the Wilshire and Hollywood divisions, as well as help from the Department of Justice, with the training and recruitment. It has been going on for about 9 months, 5 nights a week, for 4 hours a night, patrolling the community.

People are taught to be the eyes and ears of the police. When they see something they call it in to our base station. The base station then calls it in to downtown, and if there's an emergency, we have permission to speak to the LAPD watch commanders in the Hollywood and Wilshire divisions. It's important, specifically, for the elderly in the community. It's an effective response to crime. People do not sit at home and be afraid. They're actively doing something to protect themselves and their neighborhoods.

It brings together young and old, and will let each learn about their problems, and it will let an elderly person know they're not the only ones who are prey.

The younger person in the community knows there are elderly people in the community that need help, and they need to work together.

One of the heart-warming things about the patrol is that people will come out to their church and synagogue functions at night because they know that the patrol is out there.

The other thing about the patrol that is very important—many Americans are elderly. It's very hard to keep a business going if people

are afraid to shop. It's to make it safer for people to come out and shop. The people who have spent their lives in business will not be run out by the criminal elements.

We need help from the State and Federal Government. We have raised a lot of money privately, but to keep the patrol going and get the technical expertise we need funding. The Beverly-Fairfax patrol is not unique in the country. I know from looking at "60 Minutes" that there are patrols in the Phoenix area, and there are patrols like this in the New York City area. For all of them to continue, they need help from the Government.

STATEMENT OF TERRY WARSAW, BEVERLY-FAIRFAX COMMUNITY PATROL, LOS ANGELES, CALIF.

Ms. WARSAW. My name is Terry Warsaw, age 69. I have been a resident of Beverly-Fairfax for 18 years, and I am the owner of a dress shop in the area.

I am pleased to be able to advise you of some details and thoughts concerning the community patrol program currently in existence in the Beverly-Fairfax area of Los Angeles.

When the first meeting to organize and institute this program was called, I was delighted and hopeful of its success. At that first meeting, we had a turnout of approximately 100 people, mostly senior citizens, who were highly motivated and deeply concerned about the rising crime rate in the wonderful neighborhood in which we reside.

I immediately signed up as a volunteer, as did my neighbors, to attend a training session headed by the united community and housing development. Councilman Zev Yarosiovsky and our local police department had agreed to participate in the community patrol program, which we felt to be a reliable and dependable beginning effort toward crime prevention.

My own feeling about the project was the fact that I would have a chance to help. I was indignant over the fact that we, the victims of crime, were in reality the prisoners. We were forced to stay in our homes, behind bars, security gates, and window guards on doors and windows, alone, because our neighbors and friends do not dare leave their homes to visit, walk, shop, or congregate at some local social event, lecture, or seek entertainment, or other normal types of recreation, or activity after 3 o'clock in the afternoon, because it was too dangerous to be out on the streets late in the day, because purse snatching was a common and frequent occurrence, and because our elderly citizens, the victims, were usually beaten, bruised, and sometimes hospitalized, and in some instances brutally murdered. I, myself, have been the victim of a criminal attack by a knife-wielding robber, who threatened to kill me.

It is difficult to believe that peace-loving citizens or any representative of our community would stand by, without becoming involved, when a plan is offered which would help stem the flow of senseless crimes against the elderly or against any citizen in any area of our city.

My participation in the program has consisted of patrolling the area in a volunteer-owned car, equipped with a two-way radio contact to

our base station; a powerful flashlight to use in the dark alley and underground parking places, and secure in the knowledge that we are out there to discourage the criminal activity.

More recently, I have worked at the base station, keeping in touch with volunteers on patrol, recording locations and areas being covered, and again secure in the knowledge that we are out there, and that the criminal who is out there lurking or planning a crime is aware of our presence and would be discouraged.

Our cars are identified with bright yellow signs spelling out "Community Patrol, Beverly-Fairfax," and our patrollers wear bright yellow jackets with the same words imprinted thereon.

Our neighbors see us and appreciate our help. We make ourselves known and obvious to any person or business during patrol hours.

In one instance, when I was on patrol, we located a person who was lurking in a dark parking lot close to a local theater. We reported this person to the police department, who responded immediately, questioned him, and took the necessary steps to prevent crime. We think this is gratifying.

We need your help, sir, so we may expand our program and further the plan of community patrol. We need funds to help us motivate and secure additional volunteers, so our area may be covered every night of the week. We have long-range goals of seeking daytime coverage if possible.

I do hope this information will show how important and essential the program is and that it surely must be continued in order to prove itself valuable and successful.

Senator WILSON. Thank you, Ms. Warsaw.

STATEMENT OF MARLENE SINGER, DIRECTOR, HOME SECURE PROGRAM ON CRIME AND THE ELDERLY CITIZEN, JEWISH FAMILY SERVICES OF LOS ANGELES, CALIF.

Ms. SINGER. I would like to preface my testimony by saying how personally gratifying it is to be involved in a program such as Home Secure that makes such a difference and also on behalf of Home Secure staff how good it felt to be recognized as a model for crime prevention services in the community.

Home Secure was designed by Councilman Zev Yaroslovsky in his district because the area contains the greatest number of seniors residing in Los Angeles.

There was an overwhelming need to address the escalating crime against this vulnerable population. The Jewish Family Service of Los Angeles was chosen to sponsor this nonsectarian program, in view of its long and well-developed network created to meet the needs of the most frail.

Home Secure provides, free of charge, the hardware and the installation of deadbolt and turnbolt locks, door viewers, upgraded locks, and security on windows and sliding doors.

The service also includes the installation of such safety devices as grab bars in bathrooms. The program works closely with the Los Angeles Police Department and other community agencies to disseminate crime prevention, health, and safety education. To date, we have served

approximately 7,800 people, secured 5,250 doors, 8,700 windows, and made safe 4,200 bathrooms. With the newly expanded areas, there is the potential of serving 3,000 clients yearly.

Elderly clients have often recounted to us tales of either sleeping on the living room couch or staying up all night in fear of a would-be intruder. The response after Home Secure has visited is one of relief as well as appreciation that someone cares. A quote from one of our many letters of appreciation states: "The work that was done is invaluable and certainly does eliminate the cause of much worry and sleepless nights for me."

A team composed of an installer and information aide, who are themselves senior citizens, visit the qualifying tenant who initiates the request for service. While the security and safety hardware are being installed by the trained installer, the information aide discusses with the tenant ways in which he or she may experience a safer and improved environment.

Additional components of the program are the linking of clients to other resources. We have developed a data bank of referrals for many needs of the elderly. Such referrals include both Jewish Family Service and other community programs, such as tenant-landlord rights, nutrition programs, like home-delivered meals and meal site locations, free food depots, places to socialize, counseling, and bereavement groups, free clinics and legal services, and transportation.

The Home Secure service, offered by seniors for seniors, gives an opportunity for retraining and returning seniors to the work force, either as part of a paid staff or as volunteers.

The holistic concept of the service delivery that Home Secure provides makes a difference in the lives of those people benefiting from the program. The implications of the service go beyond safety and security. Inherent is the comfort of feeling safer and the sense of well-being, which enhances the quality of life.

Thank you.

Senator WILSON. Thank you.

STATEMENT OF RUTH WHITE, RAMPART NEIGHBORHOOD WATCH PROGRAM, LOS ANGELES, CALIF.

Ms. WHITE. I am Ruth White, age 67.

I moved to Los Angeles in 1963 from St. Louis, Mo. I became active in the neighborhood watch after the trouble we had on Grand View Street in 1982. This was a problem with dope peddlers, muggings on our block, and also vandalism.

My husband, Arthur, and I have seen them total a car because they got mad at the driver. Three fellows took the driver out and beat him up. They had the car moved, and they had the mess cleaned up before the police got there. They were really organized.

The dope peddlers didn't live in the area. They worked three shifts, around the clock, creating disturbances all night by running up and down the street, throwing bottles and cans and just anything to disturb us. Because of these conditions, some of our residents were victims of robberies and assaults.

I live at MacArthur Towers. We have approximately 225 tenants. This is an ethnic building, and we have some handicapped, and it is HUD assisted.

These robberies, I guess, made all the tenants angry, and we felt there was nothing we could do about it. So, in September 1982, I started a letterwriting campaign. I posted the letter on the bulletin board after mailing it to four dignitaries, including Captain Piersol. And we got the idea to make copies, and we sent 400 copies of that letter out.

As a consequence, we had a mass meeting in our building. There were 14 dignitaries from the police department and the city officials that came and assured our tenants that something would be done by the police—a combination of the police and city officials.

At one point they had to erect barricades at both ends of the street to stop the flow of drug traffic, and they had the nerve to call in the Civil Liberties Union to protest because they kept the drug peddlers off our block, but because we didn't belong to any religious or political group, we were just a bunch of concerned senior citizens doing our thing, they couldn't bother us.

I am also a crime prevention specialist with the Rampart neighborhood watch. I am qualified to hold meetings, show movies, some of which were mentioned here. We've seen the "Senior Power." I discussed the victims' bill of rights. I've discussed the Home Secure program. We cover all this in our meetings, and we have a continuous ongoing training program.

I carry a police volunteer identification card with my picture on it for this purpose. Whenever I am a guest speaker I always encourage people to do something about conditions in their neighborhood, and especially to join a neighborhood watch. We will give them all the help they need.

I'm sorry to say the drug problem has returned to our street, but with the help of the police department and the city officials, we will continue to fight these problems.

The things I do require a lot of letterwriting and some telephone work, and I do receive answers to most things. There's one letter I haven't received an answer to and that was addressed to President Reagan and we all know where he lives.

If I might, I would like to pick up a remark the Senator made about the senior citizens and the eligible senior citizens to help with the problems. We have some tenants who have come up with the idea of being deputized. We have a language problem in our area. So I am not actually a block captain. I am a building captain, and I get telephone calls. I would like to refer to the remarks by the gentleman from the Postal Service. One of my people received word that she had won $250 and if she would send in $12 to them, they would send her the prize. I told her to forget about it. A man was told that someone had received a c.o.d. package in his name, and if he would send them the money, they would send the package to him. I also told this person to forget it.

So by being a building captain, I get all this information from these people.

Senator WILSON. Thank you, Ms. White.

I think, without that credential, you were undoubtedly a natural.

STATEMENT OF CAPT. F. E. PIERSOL, COMMANDING OFFICER, RAMPART AREA, LOS ANGELES, CALIF., POLICE DEPARTMENT

Captain PIERSOL. On behalf of myself, and Chief Gates, and the entire Los Angeles Police Department, I do want to thank you for this opportunity to speak this morning.

I think, in terms of dramatizing the problem, I'm not sure we have to dramatize the problem. I think the array of witnesses and victims of crime this morning have depicted the urgency of the situation as it applies to senior citizens in this area. Last night, I spent about 5 hours of my evening at a SWAT call on North Kenmore, where a 70-year-old woman and her husband were shot, and the husband, as I left, was near death. Last year, Rampart had 105 homicides that occurred in my area alone, and I represent only one-eighteenth of the Los Angeles Police Department—we had 105 homicides.

Unfortunately, many were senior citizens. I think we need to dramatize the point no further. There is an acute problem in this community, in this country, as it applies to senior citizens.

I've got a lengthy statement. Simply what I want to do is describe some of the programs that we started about 1½ years ago.

In 1970, we had a formalized neighborhood watch program. It was a kind of dog and pony show. We put together groups of people, and served cake and cookies and had a lot of people, but it was the same people every time. And it looked good in terms of statistical information, but I'm not sure we were getting a whole lot accomplished, as the crime rate in the city of Los Angeles increased, and it began to drain off the resources we had available for that program, and slowly the program began to disappear.

In the latter part of the decade, in the late 1970's, we got into a more meaningful neighborhood watch program. This was specifically targeted to smaller groups of people, and we specifically addressed those problems occurring in those geographical areas.

We would meet the people, and they tell us the problems, and we would respond to the problems, and I think Ruth White is one of our most graphic examples. The saying that the squeakiest wheel gets the most attention is most graphically illustrated here. She did get some attention.

Mr. Handleman mentioned a lack of funds. I don't know how it applies in your part of town, but we have received State funds administered through the mayor's office, wherein we received $15,000 last year and an additional $13,000 this year. Those moneys are specifically earmarked for crime prevention and, even more specifically, toward residential and business burglaries.

What we have done with that money is buy a copying machine and put out newsletters on crime prevention—we do this in multilingual configurations. We go out and identify property.

We need all citizens to join us in the property identification program, so not only are we serving the senior citizens in the area, but also helping divert some of the energies of juveniles into some more positive endeavors.

We had, as I think was mentioned earlier, cooperation between various entities within local and State governments, and that's a healthy

sign when everybody appears to be willing to assist, and I think that's indicated and demonstrated by your holding this hearing today. We're willing to not only identify programs, but we're willing to do something about it.

Specifically, in my area, Councilwoman Stevenson and Councilman Farrara have aggressively joined the police department in the neighborhood watch program. They sent representatives to our meetings, and they offered as much resource as possible to help facilitate our program. That is a healthy sign, I think.

In summary, the problem is acute. This is just an editorial comment, that the senior citizens of this community deserve our support. These people have laid the foundation. They have contributed to this fine country and contributed to our heritage, and now they've come as a group and asked for help, and I think we have to give it to them. Whatever I can do as a representative of the Los Angeles Police Department, I offer our assistance.

Senator WILSON. Thank you very much.

I agree emphatically that the senior citizens of this country and this city deserve our support. I would also say, I think you and the officers of the Los Angeles Police Department and the sheriff's department, deserve their support, and the most heartening thing that I have observed is how actively that process is in effect and how successful it is.

I am delighted, Ms. Singer, with the Home Secure program because it is commonsense raised to a very high level, and I note your funding began with HUD, and then was private, through the wisdom of the Urban Foundation, and is now using block-grant funds.

I can't think of a much better use of them, frankly, and it's prevention, and it's obviously done an enormous amount of psychological good, because it's doing very well.

Mr. Handleman, I am genuinely enthused with what I have heard, and I thank you, and do mention to you, I think this is a very heartening example of how our seniors can protect themselves, and one of the aspects that I really like is the emphasis given in the programs, and making use of the talents and energy of the seniors, to protect themselves.

I am convinced those yellow jackets are scaring the hell out of the people, and you're making a real impact on the safety of your neighborhood.

Thank you very much.

Our final witness this morning is a gentleman who, for many years, has been a professional in all the aspects of senior life. He is a gentleman within the public sector. He has been involved with those holding public office. He is now and for some years has been the very successful publisher of Senior World Publications, based in San Diego.

We have called Leonard Hansen to be our final witness this morning to assist the committee in determining just exactly what the extent and what the form of Federal participation should be in assisting the kinds of local law enforcement efforts, and whether there are new areas in which there is a proper role.

We have asked him to comment as well as to where he thinks the wisdom should be exercised, that we not venture forth in good intentions with solutions that won't work.

He is well known, at least to this member of the committee, as someone who is death on good intentions that won't work.

So, I value his counsel, and would invite your testimony, Mr. Hansen.

Thank you for being here.

STATEMENT OF LEONARD J. HANSEN, EL CAJON, CALIF., CHAIRMAN, EDITOR, AND PUBLISHER, SENIOR WORLD PUBLICATIONS, INC.

Mr. HANSEN. Good morning, Senator Wilson.

I am particularly delighted to find your own intense interest in the problem of crime and the elderly in your role as a U.S. Senator, and that too, of your Committee on Aging of the Senate.

As a journalist, I have reported on your interest in crime prevention and the criminal justice system in your service as mayor of San Diego, and as an editorialist, I have commended your interest and performance in the past.

Today, we meet again on a much larger question and in a challenge that spans the entire United States of America. You have heard much testimony this morning regarding the tragedy of the victims of crime.

It is a growing problem that is frustrating to each of us as citizens, because we can find nowhere in the Federal Constitution or its Bill of Rights any right for one person to harm another, rob from another, to defraud another, or to deprive another of his or her life.

But in scores of interpretations by the courts and legislatures over the past two scores of years, we have seen the first concern for the protection of the criminal—those who would rob, rape, defraud, assault, and murder, with each step stealing rights away from the innocent American citizen who becomes the unwilling victim. And more and more of us are becoming victims of criminals each and every day.

It is only now that the Federal Government has started to address the question of the victim and the incredible price that he or she pays—physically, mentally, emotionally, and financially, while those who commit the crimes roam free, with mandated freedom, on bail, with countless appeals, and with taxpayer funded and exhaustive legal defense campaigns and the countless technicalities available for their use.

At the same time, the victims have been destroyed of life, of property, of estate, of potential, and opportunity—they must fund their own costs, repair, and losses.

We have heard this morning of the embryonic victim-witness programs, such as in California, and of a newly effective Heinz/Laxalt victim-witness program and legislation.

If we look at it, all we hear of are the limitations of resources, but the greatest of intent. In California, we know of an incredible and bureaucratic delay in gaining reimbursement from the program. We can anticipate the same from the Federal legislation, for it can take years to bring a criminal to court before restitution can even be ordered.

We have efforts by local law enforcement agencies, but they too are limited, and we hear from conference to conference, hearing to hearing, such as this session today, of the problem, but the results to date

are, as in most Federal and State programs, just a fraction of the perceived and necessary scope, and just tokenism in the application.

In the area of crime against the elderly, we need a major concern by the Federal Government, and we need a concentrated effort in the areas of crime prevention, crime protection, and crime investigation and effective prosecution. In support to local police and prosecution agencies with crime prevention on an aggressive basis, we can reduce the incidence of crime by locking the criminal up. This takes education and much broader application of home and other security methods and programs.

By crime protection, we need more, much more, correlation of efforts and intelligence in the areas of crime against the elderly, so that those who perpetrate such crimes can be investigated, and apprehended, and then effectively prosecuted—far more effectively and far more predictably.

By crime investigation and effective prosecution we need the task force professional method of making crime against the elderly "too hot" for the crook.

These areas of crime against the elderly we are dealing with are:

Fraud—an area most overlooked, but senior citizens are the most victimized individuals of all demographic groups in our Nation.

Burglary and robbery—you have heard about this today, and the pace of these types of crime against the elderly are on the increase daily.

Assault, purse-snatching, muggings, rapes, and murder—every one is increasing in its lawlessness.

In the cases we find 180-pound men victimizing elderly women in the main of only 100 to 120 pounds average.

Why can't these thugs pick on someone their own size?

The existing victim-witness programs fail today, mainly in the field of fraud. There is a great lack here, combined with the limited resources of all existing and foreseeable programs. It is here that we need Federal action.

This recognizes that most all crime protection and investigation is a job for local law enforcement and prosecution agencies, but they are too understaffed to do the aggressive job that can stop the crooks cold, as they should be.

In the in-depth written testimony [1] that I have presented to you, and to your committee, separately today, I recommend to your committee and the Congress to put real muscle into a coordinated program, tackling crime against the elderly.

I recommend to you first a new task force unit within the Administration on Aging, which would be singularly funded and staffed, and charged with the responsibility of rallying all existing Federal departments and agencies into a coordinated campaign and program.

I'd suggest this unit adopt a name that we coined in San Diego for a similar program. It was called "Adam 65."

This program would develop direct mass communication campaigns and materials to reach, inform, and motivate senior citizens at all levels, not just the 30 percent involved in the senior citizens clubs or centers, or the less than 10 percent that use State or Federal services.

---

[1] See appendix, item 2.

A message of crime prevention needs to be told actively and aggressively.

We, for one, will commit our support through our 57 affiliated newspapers, and magazines, and 2 million circulations of Senior Publication Group, and you can work outward from there to reach and motivate senior citizens throughout the United States.

This agency should assume all coordination of special and specific crime prevention programs for the elderly, wherever they are currently located in government—or directly interfaced with them to assure that they are coordinated—and be charged to develop or redevelop them into a far more mass program for effectiveness. The Adam 65 unit should develop legislation calling for a major increase in funding for neighborhood watch programs, crime prevention programs, and more, including the provision of radio and other equipment be given to the programs, through the local law enforcement agencies, to add to their effectiveness in response, so we can stop the crook in the act, because in our court system today this is what we have to do. This is our burden of proof.

The Adam 65 unit can directly contact elite units of police professionals for the model concepts in the cities, and units, such as decoy units to catch burglars and purse snatchers in the areas of proven concentration.

They can directly contact or be involved with the Department of Justice for task force units, and intelligence units on fraud, so fraud perpetrators that move from city to city and county to county, evading most detection methods can be tracked, especially from State to State, and that opens up some new opportunities for prosecution.

The Adam 65 unit can be involved in the funding and direction of law research units to find stronger bodies of law for application in the cases of crime against the elderly.

Are there existing laws within the areas of interstate commerce that can be applied to those who move from State to State for fraud purposes? Are there more applications of Federal mail fraud law? Are there other applications that can be developed, so to close the door faster through a better body of law, which specifically addresses the crime against the elderly?

In the detailed presentation I've given to you today, recommendations include the accelerated use of former military bases as prisons for those who break the law.

Our friends in the bleeding heart communities wouldn't be able to say we can't lock up anybody else, because those prisons just aren't nice places.

Let's use the military bases. They have the buildings and the plumbing all in place. And they can be cleaned up and put to work. I know one base has already been identified in the existing program. Let's identify one, two, three, or four in each State and put them to work.

One of the best proposals calls for a two-tier system of justice for the trial system in our courts. In this, we would judge the facts of the crime first, and then the penalty phase later, in the latter phase only would a plea of insanity be considered.

There are other recommendations for add-on penalties for violent crimes against the elderly, and guaranteed swift trial dates for crimes against the elderly.

More crooks get off today because of the delay tactics in trials, and then their defense attorney attacks the credibility of the victims and witnesses, based on supposed senility. I've seen more crooks walk free on that defense.

Each of these is detailed in its reason and proposal. Each recognizes the Federal Government can and should accelerate its commitment to the prevention of crime against the elderly, and recognize first the rights of the victim.

The Feds can shift support now so to reduce the incidence of crime, and the cost of future prosecution and incarcerations. This is a critical and necessary investment in the protection of those who stand most in support of our Nation and its Constitution. It's a concept that I believe will gain the support of voluntary contributions of business and foundations, if once established.

Let's stand first for those who stand most in support of our Constitution. Right now, the crooks are winning as they refuse to pick on somebody their own size.

I welcome your questions, and I stand in support of your most aggressive and total approach and resolution of the crisis we have today.

Senator WILSON. Thank you, Mr. Hansen. You have more than rewarded my expectations.

I will share with the audience the written testimony [1] referred to. It is about 30 pages long. I think he said 30 pages, at least. I think it will take us awhile to digest them. We will have questions, I'm sure, with the implementation of your suggestions.

One question I would ask, with respect to the legislation, that was the focal point of this S. 704 by Senator Heinz. I take it you would agree with the approach Senator Heinz has taken; any funding through criminal funds, forfeitures, and penalties should come to the State program like that here in California to avoid the creation of a separate Federal bureaucracy?

What is envisioned in this legislation is a Federal match of the State funds, after reimbursement of up to 25 percent of the administrative costs?

Mr. HANSEN. I would fully agree, because in most Federal programs we have now within the Departments on Aging, the full process takes forever. It is a bureaucratic mess. If we can cut out the bureaucracy and break the question of recognizing the victim, and the care, and attend to the victim as close to a local basis as possible, the better off we are.

Senator WILSON. I would emphatically agree with that, and I would ask Mr. Rodgers to check and find out how many of the State programs now in existence, like that here in California, provide assistance to the victims of the Federal crimes as well. I think that has some special reference or special application, perhaps, with respect to all that we've heard this morning about mail fraud. This is not the beginning, and it's not the end. It's a step in our gathering information that will allow us to make some policy decisions in Congress that will assist those at the local level, both in enforcement, and those in the private sector, who are actually engaged in the crime against the elderly, and the assistance to the victims who are elderly.

I would simply reemphasize what you have heard several times already, both from me and more importantly those at the witness table—

---

[1] See appendix, item 2.

in order to be successful in preventing crime and protecting the elderly, we have to have the active cooperation of the elderly. The elderly are the best weapons that we have against crime against the elderly, and I will simpy say again, on behalf of Ms. Baker, Mr. Howenstein, and the law enforcement officers addressing you this morning, they would be delighted if this role could be diminished. I think it is within our power to see that it is.

We thank all of you here in the audience. This hearing is adjourned.

[Whereupon, at 11 : 20 a.m., the hearing was adjourned.]

APPENDIX

MATERIAL RELATED TO HEARING

ITEM 1. STATEMENT OF ROBERT H. PHILIBOSIAN, DISTRICT ATTORNEY, CITY AND COUNTY OF LOS ANGELES, CALIF.

Senator Wilson, members of the committee, the aging are among the more vulnerable crime victims of our society—vulnerable to bunco schemes and, more important, vulnerable to physical attack. It is this vulnerability of people who have contributed so much to our society that gives special meaning to your hearings.

The overall effect of crime—and the fear of crime—in Los Angeles, its special impact on the aging, and what we are doing to answer this problem, will be my topic today.

If you've had an opportunity to drive around Los Angeles, you've probably already seen one of the effects of the fear of crime. I'm speaking of bars on windows. Citizens should not have to live behind bars to keep out the criminals who should be behind bars. Even churches have bars on their windows.

You may also have seen signs in people's yards indicating that the house is protected by an alarm system or a private patrol service. In some areas, almost every homeowner is paying for a private patrol service. People pay good money for this because they fear crime.

Bars, alarm systems and private patrols cost money that strains the budgets of our aging citizens, who live on fixed incomes.

Speaking strictly from the standpoint of the district attorney's office, I can tell you that our office spends close to $1 million annually on crime victim and witness services.

This money is not reimbursement for losses caused by crime. Rather, it is the expense we incur in order to calm the fears of victims and witnesses who will be going to court.

In many cases—particularly those cases involving elderly people, or children, or highly traumatized victims— we must literally hold hands with our witnesses in order for them to come to court and testify.

Why is it necessary to handhold the witnesses? What are they afraid of? Generally, two threats. First, many victims of serious crime are trying to forget the crime and get on with their lives. Having to testify forces them to relive the crime and prolongs the trauma.

But the most important reason is that these people are afraid of confronting the defendant in court. They are afraid of retribution, particularly if the defendant is out on bail. And, if the defendant is a gang member or is known to have criminally oriented relatives or associates, then the fear of retribution is even greater. Or, if the defendant lives in the same neighborhood—which is not uncommon—the fear of retribution is very great.

In some gang cases, the defendant's associates will sit in the courtroom to intimidate the witnesses. Of course, we must counter this by providing extra security. All this costs money.

In some gang cases, we must relocate victims and witnesses in order to assure their safety. This cost us $61,000 last year. I am informed that the superior court spent an additional $10,000 for similar witness relocation and security expenses in this county last year.

But these governmental expenses are trivial compared to the money that private persons and businesses spend because of the fear of crime.

The citizens of this county spend millions of dollars annually on dead bolt locks, window bars, burglar proof glass, security services, alarms, tear gas cannisters, fences, protective lighting, guard dogs, and private patrols.

There are over 140 security services listed in the Los Angeles central telephone directory.

The point of this is that all this money could be spent for better things—things that could enrich the lives of individuals and the community. Window bars and razor wire do not enrich our communities. In fact, they degrade a community. Yet good citizens pay for such devices because they fear crime.

I can assure you also that window bars are not cheap. Yet, there are aging people paying for window bars who can barely afford to put food on their tables. Something is terribly wrong when so much money must be spent on crime prevention devices.

There are additional effects of the fear of crime on the social and economic life of the community. Businesses fail because people are afraid to shop in certain areas. Business people will simply abandon an area because they are afraid of becoming crime victims themselves or because crime has made their stores unprofitable.

There are areas in this county with no large chain grocery stores. The store operators fear that their stores or their employees will become victims of crime. There are also economic disincentives since the store operators know that people won't shop in a crime-ridden area. And, elderly people often must walk to the store.

The deterioration feeds upon itself and in a few years—or less—a crime-ridden community is simply abandoned by everyone except the criminals and those who are too poor to leave—particularly, the elderly. Policing costs go up; tax revenues decline.

What about the social life of a community? Church leaders have told me that attendance at evening church events is very low because of the fear of crime. Other institutions, businesses, and places of entertainment that depend upon evening attendance also suffer low attendance.

And it's not just at nighttime. In south central Los Angeles, there are churches that post armed guards at their Sunday services. This is appalling, but true. And although we cannot measure it, barred church windows and armed guards detract greatly from the spiritual and moral uplift that churches normally give to a community.

This is a significant point. When people are afraid to go to church, or night school, or social or cultural events because of crime, then they lose the benefit they might have gained from the church or school or other event. It deprives people individually of something of value. Collectively, it deprives the community of the benefit to be gained from the vibrant cultural mix of churches, businesses, night schools, and other institutions that make up a community. Those who suffer the most are the elderly.

There is one last cost of the fear of crime and that is the emotional cost. This may be the most significant cost of all.

Persons who are victims of violent crime suffer from what is known in the medical literature as post traumatic stress disorder. Basically, they become so afraid of being victimized again that this fear controls their lives. They can't sleep or they relive the crime in nightmares.

They lose their jobs and are afraid to look for a new job. They lock themselves in their homes. They are frightened by anyone who reminds them of their assailant. And, frequently, they buy guns. Divorces are also common. In essence, fear of being a victim destroys their lives.

Persons who are victims of crimes such as burglary or purse snatch will often complain that they are always afraid. The fear of crime totally destroys their peace of mind and sense of security. They live their lives with one goal—not to be a victim again. Crime victims have told me that this emotional loss—this constant fear—is the most lasting effect of being a crime victim.

Victims have also told me that they no longer feel free. Fear now controls their lives. Even people who have not personally been victims often become obsessed by a fear of crime. The elderly quite commonly suffer from this.

This is a very sad state of affairs. We have fought too long and too hard for freedom in this country to lose it to the criminals.

Is the fear of crime simply paranoia or is it justified? Frankly, it is justified. People are wise to be cautious when their safety and property are at stake.

What will reduce the fear of crime? The answer's easy—reduce crime.

And, how do we reduce crime? The answer to that question would occupy a whole series of public hearings. But we have turned the corner with a drop in

crime rates during the past year. We achieved this downturn by increasing mandatory sentences and lengths of sentences for violent offenders. These improvements were brought about in part by an aroused citizenry.

Decent people are fed up with crime and with a justice system that is often unresponsive. The citizens are supportive of law enforcement efforts to streamline the justice system, to recognize victim's rights, and to segregate violent criminals from society. Public officials in all three branches of government must respond to this public outcry. It is the people's safety at stake and the people deserve our most positive actions.

Specifically to aid the elderly victims of crime, I have assigned a special assistant, John DeVoe—age 67, to devise programs to aid the potential elderly crime victim.

John is working with the coordinating councils of Los Angeles and with local groups, such as the Florence-Firestone Neighborhood Facility, to develop a countywide approach to this problem.

After more than 20 years spent in organizing senior groups which teach self-help in crime prevention and self-protection, John is an excellent person for this task.

John's efforts are based on the idea that we should tap the self-reliant resource of aging citizen strength in our communities and reinforce this resource by reminding the younger citizens of their debt to the elderly.

Part of the focus of this effort will be in bringing volunteers to our victim-witness program. These volunteers will not only help victims through the court process, as I have described, but will also help them process the necessary forms to obtain available financial assistance from the State.

I strongly recommend that the Federal Government study this effort and determine if Federal support should be increased.

Again, thank you for bringing this hearing to Los Angeles and for focusing your attention on the crime problems of the elderly in our county.

ITEM 2. ADDITIONAL STATEMENT OF LEONARD J. HANSEN, CHAIRMAN, EDITOR, AND PUBLISHER, SENIOR WORLD PUBLICATIONS, EL CAJON, CALIF.

Introduction

Senator Wilson, you have chosen well to address the questions, the concerns and the facts of crime against elder Americans.

There are serious questions and serious needs, too, in any study of crime against the elderly.

The problems of crime against the elderly are spurred viciously by crimes in other parts of our society, abetted by a criminal justice system hampered with mountains of protections for the criminal and few considerations for the victims, running free as less than one in seven criminal acts are ever identified in arrest, then far fewer in prosecution and a miniscule in penalties of incarceration, and growing in areas of crime that is specific against the elderly.

As a journalist, I have studied and investigated crime, and as a citizen publicly involved I have been active in the analysis of crime and in the development of crime protection methods. And, as a journalist, I have done my best to carry the positive and effective message to my readers, my listeners and viewers throughout my career in print, radio and television media.

I have done such with great concern, for I have watched crime increasing regularly—some of it to little concern nor correction through law, some of it protected from prosecution by court interpretations, some of it just too overwhelming in scope to be attacked by police agencies, and some of its perpetrators escaping effective prosecution and incarceration because some do-gooders thought prisons and jails were just not nice places to send the poor criminals—that they should be pampered instead.

My greatest of concerns have come in the categories of crime against the elderly. In saying this I do not present that this type of crime is rampant—because in most instances, it is not. There are types of crime against the elderly, though, that should take special consideration—specifically because of the effects of such criminal act. I'll discuss these individually—and then make recommendations on where and how the Federal Government and programs can be involved effectively.

While making the presentation following I fully recognize that most law enforcement is the task and the responsibility of local police and prosecutorial agencies. In many cases they can use your support through assistance, through funding, through intelligence and interstate intelligence. These, too, will be documented as we address the question of crime and the elder citizen.

In preparing this presentation I have come to the position and belief that a lot can be done about crime against the elderly, and that your committee can really be a vital key in making it happen.

I will welcome your questions, your comments and requests regarding any and all in this presentation.

Research on Crime Against the Elderly

Some quick quotations from credible sources on this area of crime include:

The U.S. Department of Justice Survey (March 1982) "emphasized that elderly victims (65 and older) probably suffer greater emotional trauma and economic setbacks than others."

"Three-fourths of all personal crimes are against the elderly—521,300 thefts (attempted or completed) annually; 86 percent were personal larcenies without contact; 14 percent were with contact (purse-snatching or pick-pocket)—seniors were the highest affected in this category."

About the Crime Victim

I find nowhere in the U.S. Constitution nor the Bill of Rights a "right" for one person to harm another person, his property or his/her livelihood. Any "right," therefore, should be the "right" of the American citizen to go unharmed, with property undamaged and intact, with estate and income unthreatened.

Yet, in the 207 years of our Nation, those who perpetrate crimes and are accused of crimes have gained the exercise of "rights"—even to the handcuffing of those investigative and prosecutorial agencies founded to protect our citizens from crime and the threat of crime.

It is only now that we have a Federal crime victims and witness program, with some funding, that seeks to repair some of the rights of the innocent citizen. But that program is only the start of what is necessary.

It is the citizens, though, who fund, through their taxes, a system that is supposed to protect them and their property from crime. The new legislation and program, though, acts only after the citizen becomes a victim, after his or her body is damaged or property stolen or destroyed.

I applaud the Federal crime victims and witness legislation and program—as it is a start, somewhere. The fact that it calls for restitution is a major step forward, and that it tells a judge to justify any guilty decision that does not have restitution in the penalty is most positive. That it can provide some funding to cover the bills of victims is also a plus—unless it bogs down, like so many other Federal programs, in the Federal bureaucracy.

There are things today that we as citizens must do to protect ourselves from crime. It is sad that we have to do so, but it is important that we do so. Because of crime we pay more for our insurance coverages; we pay for burglar alarms and extra door and window locking systems; we pay for more lighting and light usage around our homes; we invest in self-protection devices and training; we limit the times and areas for our travel and shopping; we develop and participate in community and block watch programs; we engrave codes in our valuables, rent safety-deposit boxes for our souvenirs and other valuables, and get concerned about strangers as we talk or move about.

There is a nationwide fear of crime, a perception that is larger than the actual fact—but it is abetted each and every day as we read the newspapers, listen to radio and watch the television. Crime and the wanton damages of crime are presented everywhere. And, everywhere in those same media, we read, hear and see the stories of criminals walking free because of technicalities—or because a cop looked crosseyed at the crook.

It is no wonder that the fear of crime is so high. It is no wonder that those who would commit crime feel and know that the odds of escaping free and clear are in their favor. We are a Nation nearly disarmed in the battle against crime.

Each day there are more victims—dead, never to move or think or love or create again in this lifetime; injured, maimed or damaged with scars and dis-

abilities that might never disappear; shocked, traumatically injured to the critical point of their own mental stability; robbed, of possessions that they had earned as their own; stripped, of dignity by first a crook and then by the defense system in the courtroom.

There were two victims in a recent crime in San Diego. A married couple—both were about 74—stopped their car in the shopping center for the man to run to the neighborhood bank. While away for just a few minutes, his wife was accosted in the car by a burly gunman who got in, demanding money. The thug was released just the day before, on bail, for an armed robbery, and had been convicted twice earlier for armed robbery and assault. He was freed again because the law interpretation said that he could not be held unless there was a "probability that he would not show up for his arraignment or next court date." The thug was going through the glove compartment and harassing the innocent wife, who sat in terror with the man leaning on top of her. When the husband returned he spoke only a few words, like "what are you * * *" before two bullets tore his body apart. His wife saw her devoted husband of some 50 years destroyed in a matter of seconds, and then saw the thug steal his money before he threatened her with the gun and then ran off. The scorecard: one innocent man dead; one innocent wife robbed of her mate, a man who had been caring for her in her own failing health. Even the money stolen was miniscule in comparison. But with the event, her social security benefits would be reduced. She would have to fund her husband's funeral arrangements—and the list goes on. When the thug was apprehended, finally, the prospect by the prosecutor was that, if he could get a conviction—made difficult because the defense would attack the lady's credibility because at 74 she "must" be senile and therefore could not really recognize the man who "blew away" her devoted husband—the criminal would serve under 20 years, if that much. The taxpayers will probably fund the defense attorneys for the murderer, and the taxpayers will fund the prosecution and the court costs, and the taxpayers will then fund the many appeals that the murderer will make, and then, hopefully, the taxpayers will fund the incarceration of the criminal.

In San Diego these past months, there have been scores of home robberies—breaking and entering—into homes occupied by single elderly women. At my last check with the police on this unpublicized case, the criminal is still at large. He has broken into the homes mainly at night, has slapped and punched the elderly women victims, has threatened rape (and has even been naked under his overcoat) and has stolen tens of thousands of dollars in cash and valuables. To our knowledge, he is still at large. If apprehended, he will have all of the public support available for his legal defense, court costs and appeals. While his victims have lost more than just the cost of the valuables and cash—they have gained in fear, in nightmares and more.

In San Diego, as well as all across the Nation, innocent elderly women are attacked in the most cowardly of fashion and method by the pursesnatcher—who attacks from the rear, probably from the right to the left, while running away from the victim. He grabs her purse in one hand and shoves her away from him at the same time with the other—so that she will be unable to even see him for identification. The combined action throws the lady to the ground—hard. The purse is gone, of course, and the cash and the medicare card might be replaced in time—but there is greater damage. Older bones break and shatter even in less than frail older adults. In many of the cases the bone breaks are unhealable—I have met and interviewed purse snatch victims in their hospital rooms—rooms that they will not leave again until they die. Broken bodies, aching pain for years—because some damn junkie wants their money for a fix. When reading the many, many police reports I found the men to be from 140 to an estimated 230 pounds in weight—and the women victims averaged about 110 to 115 pounds. Young bruisers against elderly women—the victims ages averaged 74 years! Why don't they pick on someone their own size? Why doesn't the law work to penalize the purse-snatcher and mugger all the more for his insidious and cowardly crime? The way the law works today the mugger has to be caught with the stolen goods in his hands—and purse-snatchers know this, so they extract the money on the run and within seconds have tossed the stolen purse atop a building or other place where it will not be easily found while they continue their flight. It is all so hopeless for the victim permanently injured that I have watched them die day by day in the hospitals or nursing homes—as they have been forced from independence to helpless wards of the medical establishment. The majority of purse-snatchers are not caught, and if apprehended the per-

centage of successful prosecutions is miniscule—so where is the justice; where even is the restitution?

In the eastern part of the United States I have seen and walked those incredible "social experiments" of the Federal Housing and Urban Development Department where they brought low-income families into the same complexes as the elderly. Any decent sociologist could have told the whiz kids of the Potomac what would happen—but they went ahead and built for operation the low-cost public housing. The result was, literally, murder—as the unruly youth of the families terrorized, robbed, beat and injured seriously the senior citizen residents. Some seniors recoursed by becoming hermits in their apartments, fearing ever to leave. Others installed countless locks and other devices, imprisoning themselves in protection from the rowdies and young thugs.

All over the country I have seen and investigated the roving bands of fraud and bunco artists who find their easiest and richest picking among senior citizens. They're still pulling off the "pigeon drop" and the "bank examiner" schemes—with many variations of these. Even the phony roofing and driveway schemes of the Williamsons and similar bands who use both fraud and fear in their techniques have basically gone unapprehended. Other con artists are selling phony second trust deeds and other investment-type instruments, are selling investments in business opportunities, are swindling innocent people out of their homes and their money. If apprehended the con man has the upper hand because the body of law is weak for effective prosecution—that is, if apprehended at all. Generally, the smallest unit in any police department is that dealing with fraud and bunco, even though most such crimes against individuals are perpetrated against senior citizens. In San Diego, we have seen some fraud perpetrators arrested—after investigations that took up to 2 years—so the number of victims was compounded while the district attorney was trying to build a winable case on the first few—and then, because of the delaying provisions open to them, delay the effective case for 2 or more years. Then, as the victims were elderly we witnessed the defense attorney attempt to destroy the victim/witness as "senile." Victims and witnesses have died in the time it took from the crime to the courtroom—and this is just a fact of life—and death—with advancing age—and the fraud crook knows it and uses it to his or her advantage.

Other con men promote "medical miracles," insurance frauds, nursing home frauds, funeral frauds (we've had a whole handful of these in San Diego alone), charity frauds and more. Your own committee has studied this question and issued your report earlier this year. The question for which there was not an answer given is: "What do you and we do about it?" Perhaps that is where we are right now.

Senior citizens as victims are different from you and me.

Senior citizens as victims do not generally have the ability to replace financial losses when victims of robbery, theft or burglary—or from fraud or other deception. You and I can go back to work and start all over if we have to, replacing that which is lost.

In body, you and I can many times be healed of physical injuries, where, with most senior citizens the rate is much slower, and in some cases there is no healing—particularly of bones—at all.

This means that a crime against the elderly can be far more devastating than against the younger. I say that not to demean the losses or injuries to the younger—but to point up a special area of need among the elderly.

It is ironic that senior citizens are, in every single category, the most law abiding demographic group in our Nation—and yet are the most victimized in several categories of crime: fraud and bunco, burglary and purse-snatching/muggings.

It is ironic also that senior citizens as a demographic group pay more in taxes than they take out in services—when compared on an average with all other demographic groups in our society. They pay their taxes and demand less in direct expenditures than others. But they are losing more in the area of protection from crime—they are hurt more and are victimized more in those categories.

Senior citizens are willing to do a lot in their own protection and for the protection of their neighbors—our community, neighborhood and block watch programs already are proving this. They can be called on to be of vital community assistance, and in support of the local police units.

So, perhaps, if even in trade-off, we should be doing very swift, specific and affecting things to stop those who victimize senior citizens. Perhaps it is time to tell them to "pick on their own size." Perhaps it is time to find the way to put

teeth in the law categories which affect seniors most, enact the crime protection programs which can knock down the rate of crime against the elderly, and to tell—squarely and dramatically—the crook that he really can be "hurt if he victimizes senior citizens."

I think often about that 74-year-old woman who watched her husband destroyed by a thug in her own car—about two 80-year-olds who lost their life savings to a church-operated life care scheme, about how they returned to their daughter's farm to sit on the porch, waiting to die in financial disgrace (it took only 2 months for the man, 10 weeks for his wife)—about the 81-year-old lady whom I had interviewed several times because of her activities and hobbies, and then visiting her in the hospital room where she was in a body cast, her bones broken irreparably by a purse-snatcher, and then watched her fade over months into death—about the lady, 79, who had a comfortable estate, only to have it conned away, more than $121,000 in one instance alone, by a team of fraud perpetrators (she died, ashamed and broke, while the crooks drew less than 9 months in State prison because the defense attorney had gained enough delays to wipe out most of the effective charges that totaled $1.2 million)—about the quiet, religious lady in her late 80's who was slapped around by a burglar who then threatened her obscenely as he stood naked in front of her before robbing her of valuables and special mementos.

I share this because I believe we should all share these vivid images—of special types of crime against special citizens in our society.

Join me. Why can't they pick on someone their own size? How can we cut them down to size? What can we do, together, to put a stop to this type of crime?

About Fraud as Crime Against the Elderly

In the foregoing I have presented some of the types of fraud against the elderly citizen.

It is fact that senior citizens are the largest target and most often victim in fraud against individuals.

Yet, in a survey of police departments, sheriff's departments, and district attorneys offices, I found the smallest of investigative and prosecutorial units. Fraud is a complex field for investigation. "Thousand percent" cases (those that the district attorney really believes he can win) are a very small percentage of the actual crimes and investigations. So, hundreds, even thousands of victim complaints go uninvestigated. In many district attorneys offices, most calls get only contact with a clerk or an intern who will send a complaint form, which when completed, just goes into a file or pigeon-hole and will not be pursued in investigation.

District attorneys do have some body of law to work with, particularly from regulations in other fields—such as insurance or real estate law, banking law or similar. But, the priority goes to other areas of fraud—such as in fraud against business or fraud against government—because the body of law is far stronger and easier to build a case with. The business can lose $10,000 out of millions in income, and gain rapid attention in investigation; while an individual senior citizen might lose $10,000 to a scam and never see any real investigation or apprehension.

The con man or con woman lives by his or her wits, daring, and imagination. The "mark" can be anywhere in the United States—so he, she or they can move from area to area, staying long enough to pull off a scam or three and then move on quickly because they know the investigative system is so darned slow in the field of fraud. Most often these perpetrators cross State lines in moving from one scam to another—and maybe this gives us an opening.

I have spoken out for years on the subject of fraud, particularly against the elderly, and have lectured—free of charge, of course—hundreds of times. The local police and sheriff departments have made some effort, too, but in just a county like San Diego, the task of getting the fraud alert story across to just senior citizens is bigger, much bigger, than current resources. And, if someone said that they'd reach senior citizens through their senior citizen centers—most anywhere in the United States—they'd miss 70 percent of the senior citizens. (This has been the fallacy of many of the programs in many subject fields through the Administration on Aging and the State departments of aging.)

The job of investigation and prosecution is really one for the local authorities—but there just might be a role for the Federal Government in abetting a major public awareness campaign, developing and furnishing professional quality mate-

rials, films and printed pieces, in coordinating a special task force to combat personal fraud against the elderly (a program that, of course, would involve several Federal agencies and departments). Some of these concepts are detailed following.

When I testified repeatedly to the California Department of Aging in years past about the need for a component in their program on fraud, I received only lip service—for such was not a mandate from the Federal Government. Other aging departments did likewise.

Area agencies on aging did not move, either, because they did not have a mandate from the State which did not have a mandate from the feds.

It is through such departments and agencies that special programs for crime protection for the elderly could be coordinated—if the departments/agencies were instructed/directed to hire or contract experienced policemen and prosecutors to administer and effect the programs (rather than just line bureaucrats who are normally retained for such purposes—and who know nothing about the field and the task to be done).

Other "on the line" fraud investigation and prosecution elements can and should be conducted directly by abetting the local police departments and district attorneys offices.

A lot of people talk about fraud—they issue reports and go to meetings about it, and do their cluck-clucks and tsk-tsk's about it—but hardly anyone has done a single, credible and effective campaign against the fraud perpetrator.

I have some suggestions about how you, the Committee on Aging, can cause some effective things to happen. See the pages following.

Fraud Against the Elderly/Proposals

Following are proposals that you might consider for Federal action in the field of fraud against the elderly:

CRIME PROTECTION

(1) Fund and authorize a task force unit within the Administration on Aging to identify and catalog existing resources in crime protection against fraud; identifying suspected and proven perpetrators (and disseminating such information to all police agencies directly or through the Department of Justice); tracking by calendar the movements of fraud teams (they move from the cold climates to the warm in winter, etc., and they can almost be predicted in their movement) and have trained coordination teams move into the senior communities to coordinate awareness programs and "whistle-blowing" cooperation (these teams can be contracted, too, from local police departments) (I know this can be done for I have been able to predict, within a couple of days when certain types of fraud teams are to be in San Diego area); coordinating special fraud identification and protection materials for wide dissemination to senior citizens as individuals; and draw together the coordination of functions in other departments.

The task force unit should be developed and staffed by former or current "cops" and prosecutors experienced in the field of fraud—from the FBI, State police, sheriff's departments, and local police departments. This unit can also develop pertinent legislation which could facilitate the prosecution of fraud against the elderly. This unit could also issue public "fraud alerts" to senior citizens, in particular, so that they can avoid being victims. (You would have the support of our 57 member publications of the Senior Publishers Group—a circulation of 1.9 million and readership in excess of 4.5 million senior citizens.

(2) Authorize and fund a model program in 10 to 20 key cities, for significant increases in the size and ability of fraud investigative units. Provide materials for their direct community awareness programs, and reward them for their success in "knocking over" fraud perpetrators. The model program cities should share all information on their investigations, seeking other and similar crimes that might be perpetrated by the same suspect. For 20 cities, it might take the funding of about 200 police officers and their expenses, plus the coordination costs—figuring an average of 10 added officers to each city for the specific task assignment. If they can apprehend far more fraud perpetrators and then land them securely for prosecution the fraud field just might become too "hot" for the fraud perpetrators on the elderly. The model program, after 20 years, could then be refined into similar programs for municipalities across the Nation.

(3) Authorize and fund model prosecutorial teams in each of the model police cities, drawing in specifically a prosecutor from the Federal side, the State side,

and others locally—so that all possible bodies of law can be researched effectively and quickly to find the best and toughest law to support the prosecution. Most current prosecutions are very, very slow because the prosecutor is doing a lot of this research himself. Other prosecutorial agencies can then be brought in because of this interaction where they can perform best—i.e., if there is possible mail fraud (the best body of law for prosecution) then the team will move to full support of that prosecution. There is already much of this interaction between prosecutorial agencies, but limited in fraud, and limited, too, by the lack of universal commitment in the subject field of fraud against the elderly.

CRIME INVESTIGATION

(1) By the authorization of the task force within the Administration on Aging, and the model/local police department, the investigative and intelligence resources will be strengthened.

(2) Authorizing and funding a national telephone "hotline" (800) telephone number specifically for senior citizen complaints or questions on fraud. Those staffing the telephone would seek to identify physical and modus operandi in each complaint or question—valuable because the fraud perpetrators generally move from city to city, while retaining their "M.O." as they move. The telephone number would be promoted actively by our member publications, and could be supported, too, by public service radio and television spots. Location of such a unit could be in the Department of Justice, but would be enabled by specific action of your committee. (Could it be located in the FBI as many/most of these perpetrators cross State lines—thereby falling under some interpretation of the interstate commerce, or just the "cross State lines" jurisdiction of the FBI?)

(3) Authorize and abet the specific programs already in place within the Department of Justice and other agencies, marshaling all of them—plus existing State and local agencies and departments—into "stop elder fraud now" task program. This can involve new communication devices, more intelligence sharing and reporting, and more interaction between the local, State, and national task force units.

(4) Authorizing and communicating the "stop elder fraud now" information and "how to" instructions to the community and neighborhood watch programs throughout the United States—either directly or through the local police agencies. Such effort would take some funding and the resolution of methodology so that the local "watch" units could forward the type of intelligence necessary. Senior citizens know each other and communicate with each other—and just might provide great intelligence in the field of fraud or potential fraud by watching out for each other.

The concepts above basically recommend dedicating the resources and personnel to trace and apprehend the fast-moving fraud perpetrators, and those who operate by mail, and even in local areas.

If your committee, by speaking out, will create the priority, the urgency, you should have other departments of government ready to be a part of it.

The job is a national, State, and local one—but the Federal Government can be the trigger to "stop elder fraud now."

ABOUT STOPPING THE PURSE-SNATCHER AND MUGGER

Purse-snatching and mugging is not recognized to be a syndicate-type crime. It is recognized, though, as one type of crime for gangs, and for individuals—the latter hitting and running to get cash for drugs, gambling, the like.

Purse-snatchers and muggers do tend to use the same methodology on a regular basis—they've done it before and they will do it again. Their type of crime might be augmented by robberies or burglary. They move silently and then move quickly, and the entire event—from approach to the tossing of the now-empty purse might occur within 30 to 60 seconds.

It is my impression, from experience, that better street lighting and neighborhood watch programs can be of assist, meaning that someone on each block must sit at a darkened window with walkie-talkie or telephone ready to alert to any suspicious strangers. We have seen the added street lighting need/possibility die because of the funding necessary for each unit. (As an example, one light unit which we believed vital, was never installed by three senior citizen

residence apartment complexes because all of the property was owned by churches (apartment complexes were HUD-funded to church organizations) and they were just not going to pay.) They didn't pay so the light units did not go in—and more senior citizen women residents were purse-snatched and hurt in the criminal act. The block-watch program does have possibilities, and just will take more organization to make it effective in all possible/probable purse-snatch areas.

There needs to be more communication to senior citizen women about purse-snatching and how to avoid such. Granting that our senior ladies of today grew up in a time when "going out" meant dressing well, wearing high heels, a coat and hat and carrying a purse, means that they are ripe for a purse-snatcher. Police agencies have tried to teach senior citizens to carry the purse upside down, so that all will be spilled out if snatched—and the concept is most improbable because it tells one and all, including the senior lady, that she is afraid that a purse-snatcher is or will be near. It is a very negative action. I'd prefer to look on how to replace the purse, like a designer money belt, or belted purse that could be stylish, and even color coordinated. The thug does not want to be identified and I believe the probability of attack will drop dramatically with such a change. It just might take the enlisting of some very popular senior ladies in public service broadcast and print campaigns where they model the type of units. We designated a "wall-ette" money-belt type of cloth device which has to be manufactured by senior citizen clubs for their members (by the ladies of the sewing circle), and I believe the idea still has merit. It just might be a great idea to take to Koret of California, Pierre Cardin, or other stylish designer/manufacturer to contribute the ideas and credibility. The items just might be sold through stores, with $1 going back to the "senior crime protection" programs locally. If the concept and the artwork, the products (for national manufacture) and the patterns (for club or center manufacture) could be packaged well—I'd bet we'd reduce the purse-snatching by removing the easy "mark" and the temptation.

On the apprehension of purse-snatchers, I'd commend the authorizing and funding of intelligence to local police departments on purse-snatching, and the possible funding of elite decoy squads of police (men and women) to work in high-incidence areas and districts. Such task force activities can probably be operated/coordinated through the Department of Justice.

Purse-snatching is of high enough incidence to draw very specific attention and action—and Federal support to local police agencies and prosecutorial departments.

Purse-snatching and mugging of senior citizen women is one that injures more than any other, while being the most bullying and yet of cowardice by the thugs.

Purse-snatching—why don't they pick on someone their own size? How can we equal the score on them?

Purse-Snatching and Mugging the Elderly/Proposals

Following are proposals that you might consider for Federal action in the field of purse-snatching/mugging on the elderly.

CRIME PROTECTION

(1) Initiate, authorize, and fund a "war" on purse-snatchers and muggers, with a coordinating unit within the Administration on Aging, but working with all Federal and other agencies.

The unit will have the collection task of all possible information on this type of crime, the drawing in of expert opinions on how to protect against it, and then the mass dissemination of information/materials/audio visuals/other to senior citizens on as total a basis as possible. This unit can also disseminate through aggressive publicity and promotion (public service) techniques the "how to" of preventing being a victim, introducing the "wall-ette" concept and styling, the neighborhood watch integration and others.

The unit will also track apprehensions and prosecutions/convictions as the "war" gains against the thugs.

(2) Authorize and fund the elite decoy squads in targeted municipalities and districts, so that the probability of apprehension and prosecution increases.

(3) Request legislation of State and local governments for "add-on" penalties for assault-type crimes against senior citizens. Seek also the possibility of Federal law which can be emulated or accepted as standard by the States.

(4) Develop, either through the "war" unit, or by commission to/through the fashion industry the development and promotion of the "wall-ette" concept—so that it is accepted "in style."

(5) Request the identification of all possible intelligence and purse-snatching and mugging from the involved Federal and State agencies (which are federally funded) on a priority basis, to communicate it to local agencies to facilitate aggressive local programs for prevention, apprehension, and prosecution.

(6) Request the interaction and intercommunication of purse-snatch identification and prevention to local community, neighborhood, and block watch programs.

The concepts above basically recommend dedicating the resources and personnel to prevent purse-snatching and mugging, to establish aggressive "decoy" systems, and when perpetrated to accelerate apprehension and prosecution operations.

Your committee can identify this priority, and can carry the story to the public by speaking out, with the urgency for action, the story of cowardice of the perpetrators, and with the call for public involvement in the avoidance of such criminal acts.

The job is a local one that can really use Federal assist and support.

About Burglary and the Elderly

As part of the overall population, senior citizens are affected by burglaries. They are more likely to be at home—and therefore facing more dangers from the perpetrators—than the balance of the population. In any incident, senior citizens in a confrontation are more likely to be injured by the criminal—according to all research reports that we have seen.

There are already some good programs and elements in place for the prevention of crime of burglary against senior citizens: Community, neighborhood, and block watch programs, home security counseling and installation programs, and valuables "marking" programs. Unfortunately, like most federally generated programs, most are operated on a token basis within each community.

Some of the best neighborhood watch programs have been developed by local police and sheriff's departments. These are active and growing, and mainly by the participation of senior citizens. Other testimony in this hearing will present and support the performance of such units, and call, too, for increased Federal support for the existing organizations and those to be established. We all can see the dramatic and positive effect of the "watch" programs in reducing the incidence of burglaries in local areas. San Diego statistics, alone, support the concept. The need for the greatest of effectiveness can be identified in communications, and the technology of communications, so to provide the earliest and most complete alert to local police departments.

I'd commend the funding and provision of modern walkie-talkie units for issuance to local "watch" programs, together with other pertinent equipment. This could alleviate the cash drain on localities and the personal funding by those involved in the neighborhood watch programs (some have to buy their own gear), and therefore standardize the quality of equipment used and expand the capability of the services provided by the programs.

I'd commend the expansion of home inspection programs for security protection and then the provision (for low-income households) or sale at cost (to other income households) to senior citizens. This could be accomplished through contracting by local area agencies on aging, or by the local and municipal governments. Training programs could be conducted through CETA or other agencies for both unemployed younger persons (who can pass a "no-record" check) and retirees who need return to work. The average community probably would take 6 to 18 months to handle all of the checking and security correction—providing useful work for those who need it, and increased security protection for the senior citizens. Booklets on security protection—how and why to secure the home under all circumstances, and how to avoid the appearance of "being away" (as a trigger to thieves)—could all be included. The tradeoff for getting the security hardware would be the urging and enlistment of the seniors into the neighborhood watch programs. In two-thirds of the burglaries, the thief entered through unlocked doors or windows or easily-opened doors or windows—so there can really be corrective steps effective here.

Legislation can be recommended to State governments to strengthen the laws with regard to home breaking-and-entering.

Burglary and the Elderly/Proposals

I recommend and urge for your action:

(1) The acceleration in funding and operation of home security protection and counseling programs in all municipalities of the United States. The program can be conducted by contract to the government, or developed further as a concept at a lower cost (where the counselor would be provided, with the materials purchased by the senior citizen resident).

(2) Recommending to the insurance industry of the United States a percentage saving in premiums for burglary/loss insurance when effective door and window locks and other security devices are in place by senior citizens. Such discount savings can readily provide the dollars necessary for the recommended locks and other devices. I'd bet on the success of this proposal if the Committee on Aging expressed an urgency in going to the insurance industry.

(3) The acceleration of funding and support to abet the neighborhood watch programs throughout the United States. The combination of neighborhood watch and security lockings in the homes can really help "close the door" on burglaries.

I recommend, as stated earlier, the consideration of funding for technology and communication devices to be provided to neighborhood watch programs through local police and sheriff's departments.

(4) Supporting and funding, where necessary, increased communication methods to senior citizens on the avoidance of burglary, how to secure the home better and why, the "how" of burglary/loss insurance discounts, and more.

(5) Developing recommended legislation for introduction to State legislatures through State departments on aging, which call for stronger penalties for burglary and other robbery incidents on senior citizens.

(6) Developing, through the Administration on Aging, cooperation and assist to existing crime protection programs of the Department of Justice, FBI, and other Federal criminal justice agencies.

There are good starts in place in this crime subject area, and your committee can abet the effectiveness and expansion of these programs—for they do work in preventing this type of crime that particularly affects the elderly.

The job is a local one that can really use Federal assist and added support.

By investing in crime protection we will lower our cost of criminal investigation and apprehension, prosecution, and the appeal process and then incarceration. These kinds of steps can be a saving for the society as well as the budget—no matter what is invested in making most every home burglar proof.

I commend these thoughts for your consideration.

On the Criminal Justice System

The fear of crime by the elderly is higher than the fact of crime, but the fear is well-founded because so many people commit crimes and get away with them.

The Bill of Rights has been interpreted totally—over the past two score years—to the protection of the criminal, the accused. There needs to be a reversal of the interpretations—so that criminals do, indeed, face the court swiftly and effectively, and that justice is sure. We must analyze for correction the almost-incredible series of delays open to and used by defense attorneys—sometimes avoiding court for years.

For senior citizens as victims, this question is a critical one—because, as in the crime of fraud, defense attorneys strive to delay the trial dates as long as possible and then attack the credibility of the victim and elderly witnesses based on age. For senior citizens as injured victims it is inhumane to force their suffering into years before they ever see possible justice. Many senior citizens never recover from attacks that others might fend off or bounce back in recuperation. This question must be addressed in the courts on a priority basis—so that if a criminal pulls a crime on the elderly and is apprehended he knows that he will be in the courtroom quickly and off to prison quickly.

We have seen the acceleration of major crimes against the elderly, particularly in murder and rape, where the criminal attacks mostly defenseless persons. The acts have, in the main, been senseless, though devastating to the victims. There needs be an urging for add-on penalties for any form of assault on the elderly, enacted wherever possible at the Federal level, and then recommended strongly to State legislatures and courts.

In those crimes we have also seen the criminal plead insanity, with the trial conducted only on that basis. This is of major concern and a center of fear of senior citizens. A better, much better, solution was endorsed by President Reagan earlier which calls for a two-phase criminal trial—the first phase only on the fact of the crime, and then the second considering the plea of insanity or other pertinent plea. This will give society and victim the first satisfaction of conviction, even if the sentence or commitment is reduced based on insanity or other plea.

In many areas of crime, particularly of late, we have heard the claims that our prisons are overcrowded and not "nice" places for criminals—and that some judges are hesitant to commit new prisoners to so-called overcrowded prisons. There is a critical need for new incarceration facilities—and I report with pleasure in recognition of the current Federal program to identify federally owned property and former military posts for use and conversion to prison facilities. At last, I heard only one facility had been so identified—but I would urge your endorsement for the acceleration and utilization of unused military facilities. Those who perpetrate crime against the elderly should be prosecuted effectively and then incarcerated to the limit of the law—as a very real deterrent to others who would attack senior citizens in criminal acts. I'd urge every step possible for the Federal Government to act to say "we will not tolerate crime against the elderly—and we mean business."

The Criminal Justice System/Proposals

Recommended for your consideration for action are:

(1) Endorsement by your committee of the current crime victim and witness program, and analyzing it for specific addition of added proposals for crime prevention, protection, and/or action with regard to senior citizens.

(2) Examination by your committee of all areas where add-on penalties can be added for crime against the elderly, particularly in areas of assault, rape, and murder—and the subsequent recommendation of similar legislation to State legislatures throughout the United States.

(3) Endorsement by your committee of President Reagan's proposal of a two-stage criminal trial system, the first to establish the fact of the crime, for conviction or acquittal, and then the second phase to consider the penalty phase (and any insanity or other type pleas).

(4) Endorsement by your committee of national legislation or standards for accelerated and guaranteed swift trial dates for those accused of crimes against the elderly—in all areas of crime against the elderly. You might even be able to develop this legislation for presentation to the Senate (unless precluded by other committee or department of government).

(5) Your endorsement of an accelerated identification program of unused military bases and posts that can be used as added prison facilities by States and localities.

There are more that could be considered, but I submit the above as of most urgent priority.

About Mail Fraud

Most fraud against the elderly is perpetrated through the mails, where there is already one of the best bodies of law for the prosecution when compared with other areas of the criminal justice system.

The problem is in getting the attention of postal investigators and then any sort of investigation and prosecution.

We have already submitted scores of queries and complaints which we thought very valid (from our experience) in the field of mail fraud. We received back acknowledgment form letters—and then nothing else.

In order to stop the rampant fraud by mail we need desperately a multiplying of the resources in the investigative and prosecutive areas of mail fraud. Mail fraud affects many—even thousands—of innocent citizens at one time—so timeliness is important, even critical. The body of law is good and the burden of proof is easier than other areas—so we can put it to work better and more effectively by just putting the personnel and resources to the task. In time of economic stress the perpetration of fraud, particularly mail fraud, increases significantly—so it is in these times that we should be targeting, investigating and prosecuting fraud by mail.

I commend this as something very important where you can be of effect immediately.

Mail Fraud/Proposal

I commend for your consideration and action: A resolution urging and endorsing the expansion of criminal investigation and prosecution staff and resources in the field of mail fraud, with a goal of multiplying the investigative caseload and prosecutions.

Mail fraud is a crime field which does victimize senior citizens actively—it is an area where your action can help shut it down.

Thoughts in Summary

"Why don't they pick on someone their own size" is a question to be asked in many areas of crime against the elderly. We have presented some examples of what happens to senior citizens as victims in crimes of assault. The results are, in most cases, devastating and irrevocable. In these areas, there needs to be quick and sure action to stop or curtail this type of crime—by stronger law enforcement methods, by surer prosecution, and by avoidance through crime prevention. In all areas the Federal Government can be of vital assist—and your committee the catalyst—in achieving effective solutions and programs for solutions.

There needs to be corrections in the criminal justice system with regard to fraud. Your own committee survey earlier this year reported that elderly persons are more likely to be victimized in fraud than other age groups. Respondents to your survey reported that fraud cases were increasing at a rate of about 12 percent a year. There needs to be action here.

There are some systems and programs in effect now, and you can support their expansion in service.

There are actions you can take as a committee, drawing on the existing Administration on Aging and the statewide aging networks, to provide the coordination, ideas and concepts to accelerate more Federal department attention and action to cut back and prosecute crime against the elderly.

You will hear much testimony—mine is just one element—but I have reported it to you and made my recommendations as a journalist and investigator, and as a citizen vitally concerned about the senior citizens of our country.

I welcome your questions on any facet of this report and its proposals. I am willing to meet with you further to expore any part or all of this report.

I thank you for this opportunity—and I welcome your return comments.

I commend your interest and your action in this vital, critical field of crime against the elderly.

ITEM 3. STATEMENT OF GARY R. SNYDER, COORDINATOR, CRIME RESISTANCE INVOLVEMENT COUNCIL, PASADENA, CALIF.

A Brief History

The Crime Resistance Involvement Council (CRIC) of Pasadena, Calif., helps older adults minimize their chances of becoming victims of crime and provides assistance to those who do become victims. CRIC has seen outstanding results in its short existence.

The problem of crime in Pasadena is readily apparent, despite the dearth of data in this area. A recent study of the Pasadena area reveals crime and crime prevention as the primary concern for Pasadena's senior citizens. From the beginning, CRIC has addressed these concerns through its various activities.

In the fall of 1975, at the request of the Pasadena Police Department, CRIC began with a small group of volunteers, a police officer, and the joint support of the National Conference of Christians and Jews (NCCJ) and the Fuller Psychological Center. The need to assist seniors in overcoming the trauma and crises of victimization and to relieve the burden police officials experienced in this area propelled CRIC into existence. CRIC was formed as a crime prevention and victim assistance program for Pasadenans aged 50 years and older. Senior volunteers were an integral component from the outset, making it a unique senior to senior program.

The Law Enforcement Assistance Administration (LEAA), a division of the U.S. Department of Justice, awarded CRIC a 3-year grant in 1977. This enabled the program to stabilize and began to flourish. It was during this period when CRIC gained regional and national recognition. In April of 1979, California's State Senate issued a resolution honoring and commending CRIC's vitality and effectiveness continued to be of outstanding quality. It was again recognized statewide in July of 1982 by being named a crime prevention exemplary program by the California Crime Resistance Task Force.

CRIC's Activities

CRIC's activities are quite simple and straightforward, yet have a profound influence upon the people they touch. Presently, CRIC has three main functions: (1) Victim assistance, (2) media awareness, and (3) home security.

The victim assistance team (VAT) consists of approximately 10 to 15 volunteers who make telephone and/or personal contact with the victims of crime. The volunteers provide the necessary emotional support victims need after their traumatic crisis, identify problems and solutions, make referrals to other agencies that can give further assistance, and assist in court proceedings when prosecution is undertaken. One CRIC member, usually the coordinator, is available 24 hours a day to the public and the Pasadena Police Department for emergency situations. In addition, security inspections and lock installations are given free as tangible assistance. An average of 80 to 85 people per month are contacted by VAT, with over 85 percent of the contacts being made by volunteers. The more serious cases such as personal injury, rape, and domestic violence are taken by the staff.

The media awareness team (MAT) consists of approximately three to five volunteers who make presentations regarding personal and home safety, crime prevention, and CRIC's victim assistance program (VAT). These presentations are to clubs, churches, retirement homes, and other interested groups. There are about three to four presentations made per month. Also, under this team comes the publication of newsworthy events concerning CRIC's activities. A couple of volunteers who have journalistic backgrounds write news releases and articles that are submitted to newspapers in the area.

The home security aspect of CRIC provides free home security checks and free dead bolt locks to Pasadenans (2,000 locks donated through the California League of Cities). There are approximately three to five volunteers who make the security checks and install the locks at an average rate of 45 checks and installations per month. Recipients need not be the victims of crime, but rather can be interested residents in security before the fact. Jaycox, et al. (1982) notes that the fear of crime takes a greater toll on seniors than the incidence of crime would suggest. The home security aspect of CRIC goes far to bring senior Pasadenans home security and peace of mind.

Each week a CRIC meeting is convened in order to promote volunteer training, community resource awareness, case discussion of recent victimizations, media presentation preparation, and home security awareness. At least one police officer attends these weekly meetings, keeping CRIC members informed on relevant issues and information. This officer provides a necessary link between the police department and CRIC.

Personnel

The CRIC program has approximately 25 active volunteers of diverse ethnic, social, and vocational backgrounds involved in various capacities. Some of these activities were mentioned above. Other activities include telephone answering, office filing, typing, court transportation, crisis intervention, and attending weekly meetings for training and mutual support. As a group, these volunteers donate an average of 210 hours per month, or over 2,500 hours per year to crime prevention and victim assistance. The program could not function without these volunteers.

No volunteer program is stronger than its staff leadership. CRIC only has four paid staff personnel (although a fifth position in media services is funded, it is presently vacant, and none of these individuals are retained full time. The director, employed three-fifths time, oversees the entire program, giving special attention to administrative and budgetary needs. The coordinator, employed half

time, makes sure the program is running smoothly, leads many of the training sessions, acts as a liaison between CRIC and other service agencies, and many other duties. The assistant to the coordinator, employed three-quarters time, dispatches the cases, keeps the cases going, types, answers the phones, and many other duties. The intern, employed half time, handles the serious cases that are beyond the capabilities of the volunteers. The director is a clinical faculty member at the Fuller Graduate School of Psychology and a licensed clinical psychologist. The coordinator and intern are graduate students in clinical psychology. This minimal staff provides the structure and direction to keep the program active and vital. The volunteers contribute over 46 percent of the total time involved in this program, while the staff provides the other 54 percent.

This exemplary program operates on a budget comparable to the cost of one Pasadena police officer. The cost efficiency of this program is even more apparent when one considers its cost without volunteer support. In order to maintain the present number of volunteers and their hours at even minimum wage ($3.35), the current budget would have to be increased by almost 65 percent.

Location

Presently, CRIC is housed at Heritage House for Gerontology Services, 447 N. El Molino Avenue, Pasadena, Calif. 91101. This is a central site for the volunteers, meeting with other agencies, and CRIC's connection to both Fuller Theological Seminary and the Pasadena Police Department.

Suggestions

The following suggestions are areas that I believe require special attention in order to lessen the impact of victimization upon senior citizens. Too often seniors feel a double burden of victimization, first from the crime itself, and second from the lack of support and seemingly excessive bureaucracy within the system.

First, the judicial system is quite slow and bogged down from so many appeals and hearings. Such activities take up the courts' limited time in somewhat redundant proceedings. For victims, this means that they often have to wait for long periods of time before their case is heard and sometimes have to return on more than one occasion. This wait is both in time between the crime and the hearing date and in time in the courtroom on the day of the hearing. This waiting and delay may not seem significant to younger, more mobile individuals, but to older individuals this can present numerous obstacles from arranging transportation to limited attention given to their special needs.

Second, there is virtually no compensation to the victims for the damage done to them. While minimal compensation is available to victims of violent crimes, this ignors the vast majority of senior citizens who lose their home furnishings in a robbery, or their life savings in a fraudulent deal, or their monthly income check. Some form of enforceable restitution is needed. Perhaps garnished wages of the perpetrator while this individual is in prison.

Third, the probation department's drastic budget cuts have seriously hampered the effectiveness of the existing programs which are aimed at reducing the victim's burden. Even if new laws are enacted to relieve seniors of the double consequence of victimization, they are useless and a mockery of the judicial system if they are unenforceable.

Fourth, too often criminal offenders are sentenced without the court seeing or hearing from the victim. Without considering the further psychological effect of fear, plea bargains are made that add to the heavy weight under which senior victims already groan. Perhaps if more courts could see the fear and devastation even the smallest offenses can instill, sentencing would take a decidedly different turn.

Fifth and last, programs such as CRIC go a long way in meeting the needs of senior victims. Local, personal programs like CRIC ease the trauma of victimization. CRIC addresses some of the shortcomings mentioned above through its various activities. The cost efficiency has already been mentioned elsewhere. Not only does this program meet the needs of victims, but it utilizes the vast resources of our older citizens. However, funding for our program has become a yearly ordeal, draining time, energy, and money from its purpose and vitality. Moneys need to be set aside to fund such programs that touch people where they live and where they hurt.

ITEM 4. STATEMENT OF BEVERLY SANBORN, PROGRAM MANAGER, WESTSIDE INDEPENDENT SERVICES TO THE ELDERLY, SANTA MONICA, CALIF.

The city of Santa Monica, a densely populated urban community in which 88,314 people are packed into 8 square miles, is currently experiencing a decrease in serious crimes reported within its boundaries. This decline is a reversal in the trend of the last decade which showed steady increases in crime. Santa Monica is still, according to the State Bureau of Criminal Statistics, ranked as 39 in serious crime activity out of 450 California localities. There were over 3,000 of the six major crimes committed in this city: Homicide, rape, aggravated assault, robbery, burglary, larceny.

The chief of police attributes the decrease to crime prevention activity, particularly neighborhood watch. In Santa Monica, the city has set up community liaison and crime prevention coordinator who assists neighborhood groups in establishing organizations to resist crime. The Santa Monica Community Crime Resistance for the Elderly is one of the communitywide organizations whose purpose is to reduce crime and fear of crime among the elderly.

The impact of crime on the senior population is still a major problem for this segment of the community. Seniors age 65 and over represent 16 percent of the population. This age group is not disproportionately affected by crime, but the fear of crime is greater than in the population at large. Our project statistics do show that purse-snatching victims are 26 percent of the time senior citizens—usually frail older persons. This crime is very serious for an older person. Women usually suffer from osteroporosis, a condition which results in brittle bones. If the women are pushed over, they frequently suffer severe injuries, including broken hips and arms. The term "purse-snatching" is a mild euphemism for the brutal assaults experienced by these women. Consistently, the most serious (both physically and psychologically), injuries we see in our assistance to crime victims program are those who are purse snatch victims.

Fear of crime is the No. 1 social concern for most seniors according to a recent United Way sponsored study of West Los Angeles.

These attitudes have been corroborated by the final report of the 1981 California State House Conference on Aging, and by the National Council of Senior Citizens Legal Research and Services for the Elderly Criminal Justice and the Elderly Program publication of 1982. Testimony at public hearings held in various locations throughout the county indicates that fear of crime is a growing concern. All these studies and public bodies recommend and urge government and communities to address the special needs of seniors and crime.

The impact of crime on seniors is particularly acute because most older people live on fixed incomes. They do not have the economic resources to sustain financial losses. They are more physically vulnerable. Old age has been called a "season of loss." The injuries and emotional and psychological assaults often add one more irreparable loss. Furthermore, fear of crime contributes to a high degree of isolation among seniors. This population rarely go out of their residences at night. They are isolated from the local recreational and social opportunities which are abundant in this area. Worse still, they cannot get adequate exercise in the evening after their main meal. Fear of crime curtails their mobility and their independence.

Our program is funded by a grant from the State Office of Criminal Justice Planning funds. It is awarded to the city of Santa Monica and implemented by Westside Independent Services to the Elderly (WISE) in partnership with the police department of Santa Monica. We have addressed the special needs of seniors through a four-pronged approach:

—Neighborhood watch in a target area that has 22 percent senior population, many on low incomes.

—Assistance with securing the necessary hardware, security surveys and the like to make the residences of seniors less likely to become a target for criminal activity.

—Community education alerting seniors to the potential dangers—and emphasizing that with alertness and precautions, the criminal can be foiled. This component seeks to reduce the fear of crime. In 1982, over 3,000 seniors were reached with community education.

—Assistance to victims of crime. Names of victims are obtained from the police department. Trained volunteers give emotional first aid, and connect victims with the resources available to them to reduce the stress created by the victim experience.

In our work with seniors, we agree that special programs for seniors are required if fear of crime and victimization itself is to be reduced.

ITEM 5. LETTER FROM DEANNA LEA, EXECUTIVE DIRECTOR, AREA 4 AGENCY ON AGING, SACRAMENTO, CALIF., TO SENATOR PETE WILSON, DATED JULY 12, 1983

DEAR SENATOR WILSON: This letter is in response to your request for statements on the problem of crime and the elderly, and we appreciate the opportunity to comment.

Our area agency on aging serves senior citizens within a seven-county area in northern California. Within this region, which includes a mixture of urban and rural communities, crime has been shown to be a concern for a sizable number of persons 60 years of age and older. This was first demonstrated by a random sample survey conducted jointly by our agency and the Kellogg Public Service Research Program at the University of California, Davis, in 1978. Persons over the age of 60 ranked crime as the second most important problem among 10 issues.

As a result of these findings, a followup survey dealing exclusively with crime and the elderly was completed in 1982 by the Area 4 Agency on Aging and the Center on Administration of Criminal Justice at the University of California, Davis. Some of the major findings and recommendations are highlighted below:

28.4 percent of the survey respondents reported that they had been a victim of crime within the past 2 years, while an even higher percentage (37.3) reported knowing other persons who had been crime victims during that time.

The respondents cited the following types of crimes as those in which they had either been victims or knew the victims: personal attacks, 26.9 percent; home burglaries, 14.2 percent; theft, 6 percent; vandalism, 4.5 percent.

Not surprisingly, crimes against the elderly were more prevalent in the urban areas. Males were more frequently victimized, and persons between the ages of 65 and 74 were victimized more than the younger (60 to 64) or older (75+) groups.

Recommendations by the survey respondents to help fight crime included assistance in establishing neighborhood block watch programs, increasing police patrols, and citizen patrols such as the Guardian Angels.

The Area 4 Agency on Aging has helped address crime concerns of the elderly through sponsorship with Congressman Robert Matsui of a crime prevention conference for senior citizens, in Sacramento, August 1981. Our agency also provides funding for escort services, transportation and shopping assistance to reduce the vulnerability to crime for older persons; assists in the "security impact" review of proposed housing for the elderly; and insures that our information and referral service providers have comprehensive information available for crime prevention and victim's services.

If you would like additional information, please contact A4AA staff, Carolyn Wischhusen, 916/486-1876. We would also like to request a copy of the Senate Special Committee on Aging report of the July 6 hearing in Los Angeles.

Sincerely,

DEANNA LEA, *Executive Director.*

ITEM 6. LETTER FROM CATHERINE M. WATSON, EXECUTIVE DIRECTOR, ADULT PROTECTIVE SERVICES, INC., SAN DIEGO, CALIF., TO SENATOR PETE WILSON, DATED JULY 5, 1983

DEAR SENATOR WILSON: Since we cannot attend your special hearing on crime and the elderly, we would like to submit a footnote to the testimony you will hear. Our comment is only on a detail but it is one which is relatively open to correction.

As the holder of a county mental health contract for outreach services to the aged, many calls come to us when other agencies do not know where to turn. Unfortunately, these are cases which are not considered "appropriate" for any mental health service and we do give help but are not allowed to "count" the service or advertise it. These are all cases in which the elderly are victims of crimes of violence, domestic trouble, or life-threatening neglect.

Example 1. A 78-year-old woman living alone in her own home on a modest but adequate income was beaten and raped in her home at 2 p.m. one afternoon. No "crisis intervention" worker, no "case management" service, no "hot-line" would provide any help even days later. This case was not considered "appropriate" for mental health services because the woman had no previous psychiatric history.

Example 2. A 74-year-old man with severe arthritis, living with his son, was locked into a back bedroom without food, water, or toilet facilities for 3 days. The son was a recent mental hospital patient. The case was considered "not appropriate" for mental health intervention because the elderly man had no previous psychiatric history and the son was "living in the community."

Example 3. A 67-year-old woman called and related, through sobs, that she was going to kill herself and her disabled husband, 79, because their 8-year-old automobile had been stolen and she was a complete prisoner. This case was not considered appropriate for mental health intervention because neither had a previous psychiatric history.

We believe that the National Institute for Mental Health should conduct a demonstration program in providing speedy, responsive intervention for the elderly victims of crime. Working together with police, skillful social workers could prevent the disabling and long-term aftermaths, fear and dependency patterns that so often follow traumatic episodes.

Because the public mental health systems in our country are so narrowly focused on lifetime schizophrenics, older people (who are overwhelmingly "new" cases) are not being served. The need is obvious, the costs of neglect are obvious but the situation is deliberately obscured by bureaucratic indifference. I hope that your attention to crimes against the elderly will be broad enough to include this "missing" link in restorative mental health services.

Sincerely,

CATHERINE M. WATSON,
Executive Director.

○